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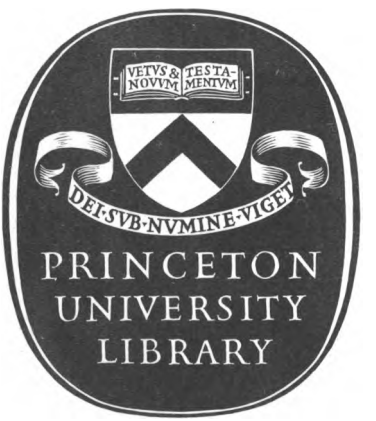

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THE

WESTMINSTER

Review.

SEPTEMBER—DECEMBER, 1844.

"Legitimæ inquisitionis vera norma est, ut nihil veniat in practicam, cujus non fit etiam doctrina aliqua et theoria."—BACON, *De Augm. Scien.*

"Those who have not thoroughly examined to the bottom all their own tenets, must confess they are unfit to prescribe to others; and are unreasonable in imposing that as truth on other men's belief which they themselves have not searched into, nor weighed the arguments of probability on which they should receive or reject it."—LOCKE, *Essay on Human Understanding.*

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CONTENTS

OF

No. I.—Vol. XLII.

Art. I.—RAILWAY ADMINISTRATION AND IMPROVEMENT.

PAGE

1. A Letter to the Right Hon. W. E. Gladstone, M.P., President of the Board of Trade, on Railway Legislation. Nickisson, Regent street 1
2. Railway Reform. Pelham . . . . . *ib.*
3. The Atmospheric Railway. By Thos. F. Bergin, M.R.I.A. Dublin: Hodges and Smith . . . . . *ib.*
4. Fifth Report of the Select Committee on Railways . . *ib.*
5. Railway Chronicle—Railway Times . . . . . *ib.*

Art. II.—CONINGSBY.

Coningsby. A Novel. By B. D'Israeli, Esq., M.P. H. Colburn 80

Art. III.—THE PRIZE COMEDY AND THE PRIZE COMMITTEE.

Quid Pro Quo, or the Day of Dupes. The Prize Comedy, in five Acts. As performed at the Theatre Royal, Haymarket, Tuesday, June 18th, 1844 105

Art. IV.—COLLISION OF SHIPS—RULES OF THE SEA.

1. First and Second Reports from the Select Committee on Shipwrecks 117
2. Reports of Cases argued and determined in the High Court of Admiralty . . . . . *ib.*
3. An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.3 & 4 Vict., cap. 65 . *ib.*

Art. V.—TITHES AND RENT CHARGES.

1. Tithes Commutation; a Return to an Order of the Honourable the House of Commons, of all Agreements for the Commutation of Tithes, to the 1st day of July, 1843. Specifying the amount of Rent-charge agreed to be paid in lieu of Tithes, &c. Ordered by the House of Commons to be printed, 21st August, 1843 134
2. Table showing the value of Tithe Rent-Charges, for the year 1844. By Henry Pyne, Esq. London. Shaw and Sons . . . . . *ib.*

Art. VI.—BEAUMARCHAIS AND SOPHIE ARNOULD.

Encyclopédie du Dix Neuvième Siècle. Répertoire Universel des Sciences, des Lettres, et des Arts; avec la Biographie des Hommes Célèbres. Paris. 1843. 146

0901 .W53 V.42 1844

Digitized by Google

PAGE

ART. VII.—CHARLES JAMES, BISHOP OF LONDON.

1. A Charge delivered to the Clergy of the Diocese of Chester, at the Primary Visitation in August and September, 1825. By Charles James Blomfield, D. D., Bishop of Chester 160
2. Sermons preached in the Parish Church of St Botolph, Bishopsgate. By Charles James Blomfield, D. D., Rector, now Bishop of London. 1829 . . . . *ib.*
3. A letter on the present Neglect of the Lord's Day, addressed to the Inhabitants of London and Westminster. By Charles James Blomfield, D. D., Bishop of London. 1830 . . . . . *ib.*
4. A Coronation Sermon. By the same. 1831 . . . . *ib.*
5. The Uses of a Standing Ministry, and an Established Church; Two Sermons preached at the Consecration of Churches. By the same. 1834 . . . . . *ib.*
6. A Bill to abridge and regulate the Holding of Benefices in Plurality, and to amend the laws relating to the Residence of the Clergy, and to the appointment and payment of Stipendiary Curates in England. 1836 . . . . *ib.*
7. Proposals for the Creation of a Fund to be applied to the Building and Endowment of Additional Churches in the Metropolis. By the same. 1836 161
8. A Sermon preached at the Coronation of Her Majesty Queen Victoria. By the same. 1838 . . . *ib.*
9. The Duty of Prayer and Intercession for our Rulers; a Sermon preached at St James's, Westminster, July 1, 1838. By the same . . . . . *ib.*
10. A Speech on National Education, at a Public Meeting held in Willis's Rooms, May 28, 1839. By the same . . *ib.*
11. A Speech in the House of Lords, on the Government Plan for promoting National Education, July 5, 1839. By the same . . . . . *ib.*
12. A Letter to his Grace the Lord Archbishop of Canterbury, upon the Formation of a Fund for Endowing Additional Bishoprics in the Colonies. By the same. 1840 . . *ib.*
13. Three Sermons on the Church, preached in the Parish Church of St James, Westminster, during Lent, 1842. By the same . . . . . *ib.*
14. A Charge delivered to the Clergy of the Diocese of London, at the Visitation in October, 1842. By the same . *ib.*
15. A Speech in the House of Lords, on Religious Trusts and the Dissenters' Chapels Bill, May 3, 1844. By the same *ib.*

MAZZINI AND THE ETHICS OF POLITICIANS.

1. Report from the Secret Committee of the House of Lords, upon the detaining and opening of letters at the General Post office 225
2. Report from the Committee of Secresy of the House of Commons on the same subject . . . . . *ib.*

CRITICAL AND MISCELLANEOUS NOTICES . . 252

Digitized by Google

CONTENTS

OF

No. II.—Vol. XLII.

ART. I.—LORD STANLEY.

PAGE

1. A Bill for the more effectual Suppression of Local Disturbances and Dangerous Associations in Ireland. February 1843 275
2. Report from the Select Committee appointed to inquire into the State of the Colony of New Zealand, and into the Proceedings of the New Zealand Company. July, 1844 *ib.*

ART. II.—THE LEGISLATION OF 1844.

A Collection of the Public General Statutes passed in the Parliament holden during the Seventh and Eighth Years of the Reign of Queen Victoria. London. 1844 . 318

ART. III.—LIFE AND CORRESPONDENCE OF THOMAS ARNOLD, D.D.

The Life and Correspondence of Thomas Arnold, D.D., late Head Master of Rugby School, &c., &c. In 2 vols. By Arthur Penrhyn Stanley, M.A. 363

ART. IV.—POEMS BY ELIZABETH BARRETT.

Poems. By Elizabeth Barrett. 2 vols. Moxon . . 381

ART. V.—THE INFLUENCE OF ARISTOCRACIES.

The Influence of Aristocracies on the Revolutions of Nations; considered in relation to the present circumstances of the British Empire. By James J. Macintyre. 8vo, pp. 448. London. 1843 392

ART. VI.—TRAVELS IN ABYSSINIA AND KORDOFAN.

1. Travels in Southern Abyssinia. By C. J. Johnston. J. Madden and Co. 407
2. Travels in Kordofan. By Ignatius Pallme. J. Madden and Co. . . . . *ib.*

Digitized by Google

ART. VII.—PROPOSED RAILROAD BETWEEN CAIRO AND SUEZ.

PAGE

Communication with India, China, &c. Observations on the proposed Improvements in the Overland Route, viâ Egypt; with Remarks on the Ship Canal, the Boulac Canal, and the Suez Railroad. By John Alexander Galloway, Esq., C. E., Member of the Institution of Civil Engineers. Weale, London 428

ART. VIII.—MACGREGOR'S COMMERCIAL STATISTICS.

Commercial Statistics. A Digest of the Productive Resources, Commercial Legislation, Customs Tariffs, Navigation, Port and Quarantine Laws, Shipping, Imports and Exports, and the Moneys, Weights, and Measures of all Nations. Including all British Commercial Treaties with Foreign States. Collected from authentic Records, and consolidated with especial reference to British and Foreign Products, Trade and Navigation. By John Macgregor, Author of 'British America,' and one of the Joint Secretaries of the Board of Trade. In 3 vols. Charles Knight and Co., 1844 437

ART. IX.—LIFE OF LORD ELDON.

The Public and Private Life of Lord Chancellor Eldon, with Selections from his Correspondence. By Horace Twiss, Esq. Q.C. 3 vols. London: John Murray . 456

POSTSCRIPT 491

MISCELLANEOUS NOTICES 510

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THE

WESTMINSTER REVIEW.

ART. I.—1. *A Letter to the Right Hon. W. E. Gladstone, M.P., President of the Board of Trade, on Railway Legislation.* Nickisson, Regent street.

2. *Railway Reform.* Pelham.

3. *The Atmospheric Railway.* By Thomas F. Bergin, M.R.I.A. Dublin: Hodges and Smith.

4. *Fifth Report of the Select Committee on Railways.*

5. *Railway Chronicle—Railway Times.*

MARVELLOUS as is the change which has been wrought in the condition of mankind by the agency of the printing press, not less marvellous will be the result of railways, when they shall emerge from their present cramped condition into full development. Writing and printing are mediums of thought, but they are slow and imperfect processes, compared with speech. The press and the post office link mind to mind, but do not thoroughly unite them. The railway serves to unite both mind and matter, and to draw the ends of the earth together. He who looks on the realities of nature and art, makes more rapid progress than he who studies their written or printed descriptions. The road is the first work, a newspaper the second, in all new settlements. It is the office of the railway to perfect the civilization, which the road and the press have commenced. How much has already been done by English railways to increase our national wealth and national happiness, we do not now stop to inquire. Great it has been, and proud may be the boast of the men who have given such an example for the world, but the objects achieved are as nothing to those which may yet be attained, when the causes of retardation shall be removed.

It is important to remark, that hitherto all the progress made

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has been the work of private individuals, and not of the government. The inherent energy of the English people forestals the sluggish movements of the rulers, who have ever been retarders rather than promoters of improvements. The government is, in truth, rather a police establishment for the prevention of coarse violence, than a Board of wise and skilful Direction. The history of steam navigation is one proof, amongst many, of this. When steam vessels had become common in the mercantile navy, their introduction as war vessels was resisted; and to the incessant exertions of one man, in the employ of the merchant princes of Leadenhall street, against all the Admiralty influence, was it owing that steam vessels existed in India, to produce a successful termination to the Chinese war. The history of canal navigation is another proof. The genius of a Duke of Bridgewater verified the assertions of Brindley, that "rivers were made to feed canals." It is upon record, that the same Duke of Bridgewater, when congratulated by Lord Kenyon on the successful issue of his scheme, made answer with far-sighted shrewdness. "We shall do well enough if we can keep clear of those tramroads." Russian Peter would not have lost the hearing of such a hint.

Tramroads increased, and steam engines drew coals thereon; but still the government could not read the signs of the coming times. Tramroads grew into railroads; but when the Liverpool and Manchester line was completed, still was the government inert. The public welfare required that the future highways of the country should not become monopolies, but they were abandoned to private enterprise, and their undertakers were, in turn, abandoned to the tender mercies of all who might feel disposed to plunder them—the accumulated losses falling ultimately on the public.

The legislation for the protection of the public was of the most ignorant kind. Without any accurate knowledge of the expense of the new mode of transit, a maximum arbitrary rate of charge was fixed by law; and a provision for competition in carriage was made, of so absurd a kind, that it could not be executed. As the secretary of one of the lines remarked to a committee of the House of Commons: "Competitors may run engines on our line—if they can; we are not bound, by law, to furnish them with either coal, water, or station room."

Line after line was granted, and projectors and speculators were alike regardless of expense or waste; they trusted that a permanent monopoly would give them the means of passing it on to the public in perpetuity. They reasoned rashly. Had the question been one of canals instead of railroads, their monopoly would

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have been complete; because, the water-courses being their own, no rivals could have arisen; but it was a question of roads, and they overlooked the consideration that duplicate lines could be made, and would be made in process of time, whenever the public arrived at the discovery, that they could be served on better terms by a new company than by an old one.

The collision is now fast approaching: it is an ascertained fact that railways can be made for half their former cost, owing to increased knowledge in construction, and protection against peculation, and the public cry out for competing lines. But it should in no wise be forgotten that the money vested in railways, though private property, is nevertheless national capital, and to make two lines where one would suffice, is a national waste, for which the public will have to suffer in one shape or another. Nor would it be a wise thing to forget the claims of *justice* on the part of existing shareholders and directors. Many sins in wasteful expenditure have they to answer for; but it was no fault of theirs that the parliamentary expenses have varied from 650*l.* to 3,000*l.* per mile—that law charges have extended from 900*l.* to 2,500*l.* per mile—that Lords and Commons have alike plundered them, in the shape of land compensation, and in the buying off of opposition. For all this the public must pay, either directly or indirectly, and we do not well see how the public can avoid paying for other kinds of waste, for the shareholders may fairly allege that it was no fault of theirs; that great as has been the jobbing under the system of making roads by joint-stock companies, more mischievous would it have been to the community had the railways been left to inert state movements.

Whatever may be the ultimate result of the question at issue, between the public and the owners of railways, we take our stand on the principles of JUSTICE. If the public, through their representatives the government, have sanctioned a bad system and wasteful expenditure in the construction of railways, they must pay the penalties incurred. If it be deemed advisable that the railways should become the property of the state, to hold in trust for the benefit of the community, the state has the same right to take them, that it had to take the land whereon they have been constructed—but paying for them a full compensation —as in the case of other property, so taken, for the benefit of the many. Whether it would really be for the benefit of the many to have the railways in the hands of the state, the object Mr Gladstone has had in distant contemplation, is another consideration.

The aim of all legislation should be "the greatest happi-

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ness of the greatest number." The first elements in happiness are, the due supply of all things tending to keep men's bodies in perfect health. Some of these supplies are best ensured by leaving them open to individual competition;—others must be under the control of the state. For example, an ample supply of water of good quality is absolutely essential to the health of the community, and it should, therefore, not be wholly left to individual competition, where, the aim being pecuniary profit, the object will be to supply the smallest quantity at the highest price. Good drainage is another essential, which the builders of houses cannot always provide for themselves, or will not provide for, unless under compulsion, and on this account the sewers of a city should always be under the control of a single public authority. Water and sewage should be a general charge on the tax-paying community of the district, for the benefit of the poor as well as rich. The growth of towns is another element, which should not be wholly left to private arrangements. A builder of inferior houses, looking to pecuniary profit, will crowd as many tenements as he possibly can in a given space, depriving a neighbourhood at once of air, light, and opportunities of healthful exercise. The defective ventilation of courts and alleys is a productive source of disease and death. Food is another element, and therefore do communities empower public officers to inspect and destroy such as may be unwholesome. Abundant food is yet another element, for the ensuring of which the arrangements are still incomplete, and, what is worse, the government joins hands with monopolising food-sellers, in trying to keep up a high price by scanty supplies.

In a thickly-peopled community, and more especially in communities congregated together in large numbers for the purposes of manufacture, cheap and easy transit is as much an essential to health, as abundant water or free ventilation. It is, further, the means of circulating and equalizing labour throughout the community. It is the means of wholesome exercise for the poor. It abstracts them from the haunts of vicious excitement, and all the habits akin to those of vermin; gives them the free breath of heaven, and helps to combine the intelligence of the mechanic with the robust health of the well-fed cultivator. Such a population would be the true wealth of a nation, the multipliers of production by combined intellect and industry, stimulated by healthy enjoyment; production, to be fairly shared by the whole community, and resulting in the extinction of ill will between rich and poor, by the absence of destitution and diseased excitement.

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But what is the system under which the great mass of the community can obtain railway transit at the cheapest possible rate, consistent with the highest desirable rate of speed, safety and convenience? At sea, and on rivers, competition has produced the usual result of cheap transit, and railway fares have been kept down by the vicinage of water competition, to a certain extent. Railways have also occasionally competed with railways, but a constant competition, or a competition capable of being raised up at a short notice, is wholly wanting. On the old highways, a prosperous coach was sure to be encountered by a rival, proffering "reduced fares;" but the peculiar construction of railways prohibits this. Train runs after train on the same track, and the competition of different and rival managers would probably, though not necessarily, produce frequent and fatal collisions. Each railway must, therefore, be worked by one sole authority, responsible for its own acts. If this authority be vested in individuals, working for pecuniary profit, they will work the railway in the mode which will produce the largest practicable or permissible profit, with the least possible trouble. They will consult their own advantage, and will practise, as far as possible, on the public forbearance. They will carry a small number of passengers at a large price, rather than a large number of passengers at a small price; for the obvious reasons, that supposing the profit in both cases to be equal, there will be less outlay of capital for carriages in the former case than in the latter; and a small business can be conducted with fewer servants and less trouble than a large one. In public companies, as well as in private firms, the tendency is to seek for a high per centage of profits, and to overlook the fact, that the safe business is the business of small profits. Where competition does not exist, the abuse grows, till indignation or cupidity is aroused, and the result commonly is, a competition ruinous to all parties.

The high fares charged on many lines of railway, on which the public are *obliged* to travel, which railways pay an annual dividend of 7 to 10 per cent. and upwards, and which are nevertheless in many cases managed on a system of jobbing, is an instance in point. We have heard of government jobbing, but we doubt if more striking cases of pure jobbing could be any were found than in some lines of railway. For example, the salaried supervisors of work done by contractors for a company which we will not name, are themselves open contractors, and sit in judgment on the work performed by their rival contractors. This would have been too gross, even for a Tory government of thirty years past. The thing might have been

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done, but it would at least have been decently veiled. The superintendent's son, or nephew, or cousin, would have been the nominal contractor.

Jobbing in the appointment of railway officers is of course a common thing. Places are made for persons, but efficient persons are not sought for places. We remember an instance, in which it was remarked of a vacant official railway situation, "What a pity the salary is more than 400*l.* per annum, Mr ——, a really efficient man, would get it; but as it is nearly 1,000*l.*, it will go to a fool." It was so; a dry-nurse was found to do the work, and the nominal office, with the solid salary, went to a coxcomb.

The Post office does nothing worse than this. It resists cheap postage as long as it can, while a Lord-something takes the large salary, and Rowland Hill, the efficient man, is excluded. And be it remembered, this large official railway salary, and the large extra profit of the superintendent contractors, is actually paid by extra fares taken from the pockets of the public. These are matters not forced on a company by government, and which nothing but competition can remove. They are abuses common enough in government, precisely because government is a monopoly. Had the community two or three governments,—Conservative, Whig, and Radical, put on piece-work, and earning no money but for good and cheap work, what effective sessions would the three parliaments produce! What cheap law, what clear justice, what very free trade, what cheap and effective protection from violence, would be the result of their competitive efforts!

This cannot be, and we must be content to submit to a certain amount of jobbing in government. But it is precisely for this reason that we should be unwilling to see our railways fall into the hands of government, either by purchase or otherwise. It would be "out of the fryingpan into the fire," as regards the permanent character of the jobbing. A magnificent amount of patronage would be put into government hands, for the purpose of influencing elections, and also a very efficient police establishment, which latter would, however, be advantageous to the community in saving expense, and we do not entertain any apprehension that it could become an engine of mischief, more than any other police. As regards the jobbing, it is under a government apt to assume a permanent form, while the internal jobbing of companies is exposed to be broken up by continual accidents and changes of circumstances.

There is, however, no doubt that, in the hands of government there would be one advantage to the public—passengers would be carried at prime cost, without a profit; unless it were in the

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shape of a specific tax, which we should much deprecate. There would be no attempt to raise fares for the purpose of gain, or to lower them for the purpose of ruinous competition. We should also be free from the uncertain changes of times of departure. We should have no instances of one company altering its times, in order to balk the arrangements of a contiguous line, or for the sake of enhancing its profits at the expense of the public convenience. But as a mischievous set-off to these advantages, there would be the evil of a dull stagnant system, barren of progress or improvement.

The first inroad on the stagnant system of the Post office was made years ago by Palmer; and in our own time, the genius of Rowland Hill has conferred on the English public, and from them ultimately perhaps upon the whole world, one of the greatest boons humanity could receive—the Penny Postage. If any one thing more than another could reconcile us to a government appropriation of the railways, it would be the appointment of Rowland Hill as Superintendent-general. Under his sway we should have no fear of jobbing or mismanagement; but inasmuch as we could have no security that his efficient qualities would be transmitted to his successor, we should prefer a system on the self-progressing principle, and not subject to be stereotyped into unimproving stagnancy, under the dull auspices of a mere *laisser faire* lordling or placeman.

It has been occasionally asserted that there is, to a certain extent, competition with railways by means of horse coaches on contiguous lines of highway. But the fallacy of this is very obvious. The expense of traction on a railway bears no proportion to that of a horse-road; the expense of traction on a horse-road is most material. The railway can at any time, by reduced fares, deprive the coaches of their traffic, combining low fares with great speed, and horse-keep will soon consume the means of the owners. They must give in, and the railway proprietors can then, without an effort, raise their fares to an amount which will compensate them for their trouble in driving away their competitors. The public must ultimately pay the expense of the competition, which fortunately is little likely to be renewed; for to bring on, and remove, a horsing establishment over a long line of road, is too costly an affair for frequent repetition.

We do not mean to assert that all railway directors are rapacious in fares, and regardless of the public welfare. We must take the conduct of the Dover line as an example to the contrary. The axiom put forth by the benevolent and liberal-minded chairman, Mr Baxendale, at one of their meetings—*a hard bargain is ever a bad bargain for the apparent gainer*—cannot be too

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strongly impressed on the attention of railway directors. It is the disregard of this maxim in the disposition to give the public as hard a bargain as possible, that has caused the public outcry. The Dover Chairman and Directors, and the gentlemanly Secretary, seem to have impressed the whole management and officers with their own spirit. The public, rich and poor, is treated like a gentleman; and we have no doubt, that the highway between London and the rest of Europe, will ever be among the most prosperous lines, while the principle is recognised, that efficient public service at a cheap rate is the true bond of union between a railway company and the public. May the example spread widely, and prevent the necessity of any actual government interference.

To ensure this, the power of competition must exist somewhere, and we think it is practicable to produce competition without competing lines, which are not always calculated to lower the rate of fares, but in many cases to raise them, railways being a property held in shares, and frequently changing owners. A competing line brings down the value of shares. Opposition running depreciates them still more. Speculators then possess themselves of both lines at low prices, the loss being divided amongst many successive holders. One line is then shut up, or something equivalent to it, and the owners charge their own fares for the other, as high as they can, or as their act of parliament will permit them, and thus the public has to pay interest on a double outlay, for a single advantage.

With existing lines of railway, there can be no interference beyond the conditions on which their respective acts were obtained—unless by the consent of their proprietors, or on the principle of full compensation. That a bad bargain has been made by the government on the part of the public, is clear; but it is ever thus in bargains between the active and the inactive. The industrious man reaps the fruit of his exertions, and the idle man is pushed aside, sometimes fairly, and sometimes by fraud or force. The red man yields to the white man—the Spanish and Gallic creole to the Saxon offshoot, in the far west. "To him that hath shall be given, and from him that hath not shall be taken away even that which he hath." The "hath" is the industry, which makes progress, and turns earth's materials to man's uses, as George Stephenson and his huge array of railway-makers have done; the "hath not" is the idleness and inertia of a government that has wasted the talent entrusted to its charge, and would now fain reap where it has not sown, taking into its charge the large amount of patronage which the railway system has created—if the imputation be true.

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Centralization has its advantages; as, for example, if the government had the whole of the lines in its own possession, there would be one general system, but it would be apt to degenerate into a system of unchangeable formulæ, stereotyped in law and subject in practice to all kinds of abuses. Government possessed the Post office, but it did not possess either the highways, the horses, or the carriages. The result was apparent. Open competition made the roads the best in the world, and the travelling the most rapid that could be accomplished by animal power. Yet, even in these matters, the interference of government produced evil. After the inroad of Palmer, and the introduction of the mail system, the carriage of the mails became a monopoly in the hands of a pet contractor. The result was, that the mails were in many cases notoriously "slow coaches," slower than the coaches of private individuals. The certainty of the latter arriving at the specified hours, not their greater celerity, gave them preference with the public.

We advocate for all future lines of railway, in which the public has yet to make its bargain, a system which shall give the public the benefit of competition, without giving the government the power of patronage.

In taking shares in a line of road, as an investment, the *bona fide* shareholders of course desire to obtain a property likely to rise in value, but it is of still more importance to them to obtain a property not subject to fluctuations in value. Thus, for example, an original shareholder in the London and Birmingham might calculate his income at 5 per cent. on every hundred pound share. The income rising to 10 per cent. he would gradually be induced to increase his scale of expenditure. A change taking place, by the process of competition, he is again reduced to 5 per cent., and is perhaps involved in difficulties. Perhaps he has purchased additional shares, originally 100*l.* at the rate of 200*l.*, and by the fall to par he may be ruined. This may be a very desirable state of things to the share-jobber, but is most mischievous to the *bona fide* invester, who desires a secure and unfluctuating income.

We come to the conclusion therefore, that the ownership of the road and fixed plant only, should be vested in the company making the line, precisely on the plan of a highway or canal, and that the working of the line should be open to competition by public tender, at intervals of three, five, seven, or ten years. The construction of the road, gauge of rails, and all questions affecting the durability of the line, or the safety of the public, to be subject to the approval of the Board of Trade. The maximum of tolls should be fixed, subject to revision at certain intervals, keeping down the per centage on the outlay to six or

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seven, or whatever amount might be just necessary to induce the speculation—say double the interest of the public funds. The minimum rates of speed being also fixed by the Board of Trade, the tenders for working the line should be received in the usual manner, and security being given for the due execution of the contract, and the fitting accommodation for the public, those proffering to carry at the lowest scale of prices ought to obtain it.

The company might, if they chose, furnish the capital for the working stock, and deliver it up to the contractor at a valuation, to be revalued to the company at the conclusion of the term, or the incoming of a new contractor. It is probable that the first contractor under such a system would make what is called a "good thing" of it, in the absence of knowledge amongst competitors, but we feel assured that the rate of fares would gradually be lowered, railway after railway, till that point were attained, in which the risk and profit would be justly balanced; the most healthy condition, both for the public and the contractors, for whenever it comes to pass that the public is served by any man, or body of men, in a mercantile capacity, without a remunerating profit, it is morally certain that the ultimate result will be, in the phraseology of the working class, the public being "served out." If contractors were not found, the Board of Trade should in such case work the line.

What the ultimate remunerating price per mile will be for the transport of passengers on railways cannot yet be ascertained, for as yet there are no correct data to calculate from. The mechanical arrangements are still so imperfect, that the great question of "the minimum of traction" has yet to be settled. The issue also has yet to be worked out between the atmospheric and the locomotive principles. But even with the present arrangements, the writer of the 'Letter to Mr Gladstone,' puts forth a statement of low cost, which makes the heart beat high with hope for the future times of the working classes of this great community, the times when railway transit shall be almost as common to all as the free breath of heaven, when it shall be free as the press, abundant as water. When the time shall arrive that our Pickfords, Chaplins, Hornes, and Levys become competitors for the carriage of goods and passengers—these things and more will come to pass. We take our data from the Birmingham railway.

The average yearly receipts for the four years ending December 1843 were, according to the 'Railway Times,' 803,602*l.* The average yearly expenses on those receipts were 204,466*l.*, or about one-fourth of the whole. Of those expenses, 143,586*l.* were mechanical, viz., locomotive power, 72,857*l.*; carriages and

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waggons, 21,425*l.*, and the maintenance of way, 49,304*l.* The whole of these ite—msupwards of two-thirds of the total expenditure—are questions of mechanical arrangement; expenses incurred in vehicles and traction,—the amount of tractive power required, depending of course on the amount of resistance, which resistance is made up of friction and gravity; and upon these we must offer a few words.

Were the mechanical construction of the most perfect kind, the friction ought to be confined to the movement of the carriage axles in their bearings. With the best construction, and best lubricated axles, the amount of this friction is a known quantity, viz., four pounds per ton; which has been verified by experiments, with a heavy grindstone placed in bearings, and put in motion. Experiments with choice railway carriages have, however, given the result of nine pounds per ton resistance, which is usually assumed as a standard. We are satisfied that, in practice, the resistance of average trains will be found far more than that; but, strange to say, on no line of railway has any plan been adopted for verifying the resistance to traction in daily traffic; a question on which so large an amount of economy depends, a matter absolutely requisite for the purpose of holding a check over carriage builders and carriage maintainers. A wise executive on a railway would never permit a train to run without a proper registering instrument, connecting the train with the engine, and marking the resistance as faithfully as the safety gauge of the engine does the pressure of the steam in the boiler, the accounts being regularly kept, as a check to prevent bad construction. In the traction on the highways, with horse coaches, this was well studied and understood. The coaches were built to specific weights, and of light draughts; for the economy of horseflesh depended on it. The horses were worked up to their full power, and an over heavy or sluggish coach killed them. Railway managers have surely some vague idea that steam costs nothing, or they would be as careful to save superfluous resistance to their engines, as their precursors were to save superfluous resistance to their horses.

The dead load of a railway carriage, *i. e.*, the load which does not pay freight, the carriage itself, as compared with the goods or passengers it carries, is proportionably much greater than that of a highway carriage. One of the old road mails weighed about 18 cwts., and it carried a load of two tons, in ordinary work, and three tons on emergencies. An ordinary first-class carriage of three bodies, on a railway, carries only two tons, and the carriage itself weighs four tons. In a second-class carriage the disproportion is less. In goods waggons, the waggon weight is about

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equivalent to the load it carries. The object proposed by this great weight is to get extra strength to resist longitudinal shocks, from the collisions of locomotive engines, for which purpose heavy buffer springs are provided to elude the blows. But it is a questionable advantage, for the extra weight causes great inertia as well as great momentum. A train of heavy carriages is difficult to retard, when in motion, and the result of a violent blow on a train of heavy carriages, in a state of rest, is likely to be far more mischievous, than with a light train of great elasticity, capable of rebounding out of the way.

But it is not the weight of the trains which is the source of surplus resistance, represented by the difference between four pounds and nine pounds per ton, or, probably, much more. If the axles be well made, and the friction on them only four pounds per ton, the surplus, be it nine pounds or more, must exist between the wheels and the rails—must, in short, be made up of what is called technically "rolling friction," *i. e.*, the wheels *rub* instead of rolling on the rails. If we examine railway wheels, we shall find that their construction is peculiar. They are not wheels, but rollers; they are not wheels revolving each on its separate axis, independent of each other, but a pair of wheels, each keyed fast on a common shaft, the ends of the shaft projecting outside the wheels, and resting in bearings fixed to the carriage. If these wheels be of exactly the same diameter, they will have a tendency to run always on a straight line; if the diameters vary, they will have a tendency always to run on a curved line. The rails on which the wheels run are sometimes straight lines, sometimes curved lines, sometimes parallel lines, and sometimes jagged, and not parallel, lines. It must, therefore, be obvious, that frequently while one wheel is advancing with a rolling movement, the other will be advancing with a sliding or rubbing movement, because both wheels do not pass over the same space in the same time, when traversing a curve. In order to compensate for this, each wheel is made conical, *i. e.*, the outer diameter, of the tyre or periphery is less than the inner diameter in order to accommodate the variation of the lines of rail. But the result of this is a sideway oscillation communicated to the whole carriage, and increasing in amount in proportion to the speed, so that the flanges of the wheels are dashed alternately against the rail, on either side, and a very large amount of friction is generated.

There is little doubt that this was the true source of the great resistance at high speed, which Dr Lardner found, in his experiments on the Great Western, and which he attributed to the resistance of the atmosphere, in default of a

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better solution. The sagacity of Mr Brunel seems to have divined it, by his subsequently trying the effect of loose wheels, *i. e.*, permitting the wheels to revolve on the shaft, independent of each other. The plan was subsequently abandoned, but it was, nevertheless, a sound plan, and the only defect was in the workmanship and mechanical detail. Sooner or later, we are satisfied, that the system of loose wheels will be adopted, each wheel revolving on the shaft, independently of each other, and the shaft also revolving independently in its bearings.* But in addition to these defects, there are yet other evils in wheel arrangements.

The axles of a railway carriage, together with their bearings, are made to slide up and down in iron forks attached to the carriage frame, or rather, the carriage is arranged to rise and fall on the axles by the play of the springs, guided by the iron forks, in vertical lines. If these forks be accurately placed, so that the axles are exactly at right angles to the line of traction, and the wheels equi-distant from the central line of the carriage, and in true planes with each other, the diameter of the wheels being also exactly alike, the carriage will roll on a straight line with the minimum of friction. But if the axles be not parallel with each other, great friction will ensue. Or if the axles be not at right angles with the line of traction, or if the wheels be not in the same planes, great friction will ensue between the flanges of the wheels and the edges of the rails. In practice we are inclined to think that great accuracy is the exception and not the rule, and so general has become the impression, that the practice of making the forks fit the grooves of the axle bearings is now frequently abandoned, and they are left very loose, to allow the wheels to compensate the irregular movements by freedom of action. But the result is great noise and jarring.

Another source of friction, of concussion, and thence of resistance, is the imperfect character of the springs in common use on railways. We find this subject has been treated in the

* The amount of friction caused by the conical wheels and flanges has been shown by the arrangements of the plan called "Prosser's Wooden Railway." Wooden rails rendered as hard as possible by chemical injections, under what is called Payne's process, are substituted for iron rails. It was found impracticable to run the ordinary coned and flanged wheels on these rails, and a new plan was adopted. Cylindrical wheels without flanges were used, and as a substitute for the flanges, bevilled guide wheels, running against the inner edges of the rails, were applied. In this mode, the rolling movement produced no damage to the wood rails, which had been rapidly torn and worn by the ordinary wheels. The same amount of friction must of course exist on the iron rails, though the harder substance prevents so rapid a destruction of the material.

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'Railway Chronicle,' a new weekly paper, which evinces much care in the editing and general getting-up, and does great credit to the spirit of the Railway press. We quote from its columns:

"To the perfection of a bearing spring for a railway carriage, the following conditions are essential:—

"1. That free movement should exist with the minimum of friction in the parts.

"2. That it should be capable of yielding freely in any direction, to elude every variety of percussion, and be free from noise.

"3. That it should be capable of deflection through a considerable space.

"4. That it should support the carriage at convenient points, so as to relieve the frame from undue stress.

"5. That it should be capable of carrying a considerable load.

"6. That the traction of the axle-box, wheels, and axles, should be performed safely and securely from the centre of the axle, without the aid of axle-guards or guides, and with elastic yielding.

"7. That the percussion from the wheel should be received at the most yielding part of the spring."

This statement appears to be mechanically correct, and if we examine the general mode of applying bearing springs to railway carriages, we shall find it at variance, in almost every particular, with the rules above laid down. The mechanical value of springs on highways, as a medium for facilitating traction, has long been understood. In a vehicle without springs, the obstacle over which the wheel passes, raises the whole load, by the agency of the horse power. With efficient springs between the wheels and the load, the wheel alone is raised, while the load maintains its level, so that the saving of horse-power is equivalent nearly to the difference between the weight of the wheel only, and the weight of the wheel and load combined, deducting a small quantity of extra pressure on the axle-box, but which extra pressure is balanced by the saving of extra pressure on the opposite axle-box, which would take place if the load were raised on one side only.

It is true that the obstacles on railways are of very small elevation, compared with those on highways, but to balance this, they are frequent; almost every rail joint, presenting either a rise or fall, multiplied in effect by the speed of travelling, so that a small obstacle at high speed is more mischievous than a much larger obstacle at a slow rate of speed. The joints of the rails produce shocks, which may be counted by the traveller with his eyes shut. But in addition to the vertical obstacles, there is the constant lateral concussion, caused by the striking of the flanges at quick intervals, made sensible to the traveller

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by incessant lateral movement from one side to the other. It must, therefore, be obvious, that the elastic principle found so important in saving draught on highways, must be equally important in saving draught on railways, and that it is as important to provide against the specific lateral shocks of railway carriages, as against the vertical shocks. Friction, or concussion, or both together, must be the result of irregular movement, and, unless their mischievous effects are eluded by the elastic principle, an extra consumption of steam-power, and extra wear and tear of engine, road, and carriages, will be the result.

We have endeavoured to show the defects existing in the principle of the construction of railway wheels, as regards their action on the rails, but this involves farther consideration, viz., the destruction to the wheel itself. The rubbing of the periphery grinds away the tyre, and frequently grinds it unequally, destroying the circularity of form. And this friction produces great torsion of the axle or shaft, through the medium of the spokes, more especially when the brake is applied to a single wheel. Perhaps few of our readers are aware of the fact, that a set of wheels and axles for an ordinary four-wheel railway carriage weigh 22 cwts., *i. e.*, 4 cwts. more than the total weight of the highway mail coach, fitted to carry a load of from two to three tons. We are satisfied that this discrepancy represents the amount of unfair strain to which the wheels are exposed.

It was probably the difficulty of getting wooden wheels of the ordinary kind to bear this torsion strain, that led to the almost universal use of iron wheels, and in their construction the principle of durability was overlooked. The tyre, which on ordinary wheels is simply a wearing substance, like the outer sole of a shoe, was on the iron wheels made to serve the purpose both of tyre and fellies. It was, therefore, made enormously heavy, the weight being placed in the very worst position, viz., the periphery, so that the wheel became, when in rapid motion, a kind of fly wheel, tending to drag the spokes out of the nave. Extra weight was gradually added, and all parts were made heavier. These wheels are supposed to be turned in a lathe, after being keyed on the shafts, but we believe it will be found in practice, that they are not always in an exact plane with each other, nor always of equal diameter.

The general diameter of the wheels, for the four feet eight inches gauge of rails, is three feet, which seems to have been sufficient for the speed of twenty-two or twenty-three miles per hour, which we believe is still the pace, including stoppages, of the ordinary trains on the Birmingham line. But for thirty or forty miles per hour, which is a common travelling pace over

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many portions of the Dover line, it is insufficient, and we have no doubt that most lines of the narrow gauge will ultimately adopt the three feet six inches diameter, for the increased speed which will be required. On the seven feet gauge of the Great Western, four feet wheels are used, and for the purposes of smooth running, saving of axle friction, and facility of traction, we are satisfied that they are not too large. But the larger the diameter of the wheel, the greater of course is the torsion power. There is one kind of iron wheel which is better than any other, as affording the greatest mechanical strength, with the smallest quantity of material. We allude to the iron disk wheel, formed of two thin iron plates, and consequently presenting a continuous bearing at the periphery, whereby a much thinner tyre may be used. Why this wheel, which we believe to be cheaper than any other, has been so little used, we do not comprehend. But, ultimately, it is probable that iron wheels will be replaced with wheels of wood, which have a great advantage in intercepting noise and vibration, and will of course materially save the axles, and diminish the total weight. When railway wheels shall be constructed to run loose on their axles, independently of each other, one-half of their present weight and strength will be ample.

The next consideration in the wheels is the conical forms of their tyres. Previous to the opening of the Liverpool and Manchester, many experiments were tried, with a view to ascertain the best form for the peripheries of the locomotive wheels. It was found to be impracticable to keep cylindrical wheels on the rails, even with very deep flanges. The result was the adoption of conical tyres, *i. e.*, the outer diameter was made considerably less than the inner. An advantage was gained by this, more than was calculated on. It had always been held a problem difficult of solution, as to how adhesion was to be procured between the driving wheels of the engine and the smooth rails, so as to ensure progression, and many patents were taken out for ingenious methods of accomplishing this. The conical wheel accomplishes it, for the rails being laid at such an angle with the horison as will correspond to the coned angles of the wheels—or if not so laid, the weight of the wheels will soon press them to that position—it follows, that the larger diameters of the periphery will move on the rail surface at a greater speed than the smaller diameters, and the rails being two inches and a half in width, very considerable friction must ensue, causing the driving wheels to adhere, and to make but little progress.

But this quality of adhesion which is so useful in the driving wheels, is the direct reverse in the leading and trailing wheels,

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and in the wheels of all the carriages. The periphery of the wheels of the carriages being formed to the same angle as the driving wheel of the engine, it follows that friction must ensue, proportioned to the weight on them. The weight on each driving wheel of the engine is five tons, or ten tons the pair. The weight on the carriage wheels is one ton, or two tons the pair. It is clearly a great disadvantage to construct the carriage wheels with conical peripheries, yet it would be unsafe to construct them otherwise, until they are arranged each to run loose, independently of the other. That it is a most important question in economy, to diminish the weight and friction of railway trains, must be obvious. In proportion to the resistance of the train, must be the weight on the driving wheels of the engine, and in proportion to that weight will be the destruction of the road, and the increase in the expense of "maintenance of way." In other words, the less the resistance of the trains, the greater may be the load, or the lighter may be the engine.

If the locomotive could be dispensed with, either by using atmospheric traction, or ropes, or any other process, lighter rails, a lighter roadway, and vehicles no heavier than ordinary road carriages, might be used. In such case there would be no expense for "maintenance of way." Rails might be used with very smooth surfaces, of hardened steel, and wheels with polished hard steel tyres, so that friction and gravity would be reduced to the minimum. The opponents of the atmospheric system, in making out their case of great loss in the transmission of stationary engine power, by what may be called the air rope, do not enter to the credit side of the account, the enormous savings to e attained by the discontinuance of the locomotive.

There is yet another question to consider. The elastic media for communicating traction without violence, which involves breakage and concussion, and also to moderate the shocks arising from trains being driven against by locomotives. It is customary to have springs of great weight and power inserted in the carriage frames, at the centres; the ends being in contact with long and heavy iron rods projected beyond each end of the carriages, and shod with wooden blocks. The same springs are made to attach the traction rods to, by their centres. This arrangement is equivalent to permitting the carriage frame to collapse two feet eight inches in case of collision. Of the advantage of these buffer springs there is little doubt, not only in saving passengers from shocks, but in saving the carriages from blows, tending to put the frames and axles in positions varying from their rectangularity to the line of traction. But there are many defects in the practical arrangements.

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The circumstances in which collisions take place are—

1. An engine and train overtaking another train. In this case the hinder train will experience but little shock, because the bulk and weight of the engine carries it forwards, saving its own train, and expending its force on the train in front of it, which will therefore be in the position to be crushed between two engines, unless the collapse of the buffer springs be through a considerable space, sufficient to expend the momentum of the hinder engine and train.

2. An engine and train, running into another train and engine, in a state of rest. The buffer springs in this case would require to be more powerful, and to collapse through greater space, because the inertiæ of the train at rest would be a resisting force, operating to accumulate more rapidly the momentum of the engine and train in motion.

3. An engine being suddenly retarded at great speed by wheels breaking, or by getting off the rails, in which case the momentum of the train of carriages impinges them against the dead mass of the engine and tender, and throws them one upon the other.

4. An engine propelling a train before it, and impinging on its own train, owing to the retardation of some obstacle in front.

The traction and buffing (rebuffing) apparatus in each carriage adds above half a ton to the weight. The springs used are enormously heavy, and not very pliant; their electricity is developed by jerks, with a grinding noise, and not rapidly. As traction springs, they are very badly arranged. The spring of the first carriage next the engine takes the whole load of the train, while the spring of the last carriage takes only its own load. As buffing springs, they tend materially to keep up the sinuous motion, which is a common defect in all railway trains. The springs are double levers, fastened to the centre of the carriage, and the arms on either side strike alternate blows, through the agency of the buffer rods and blocks. The screwing the carriages together, and thus putting pressure on the springs, in many cases increases this defect. If the pressure on the springs were at the centre, instead of at the ends, this sinuous wagging motion would be lessened. The professed object of the side buffers is, in case of propelling the train from behind, to keep the train in a straighter line; but this seems of little importance, as propulsion is only resorted to at short intervals or up inclines, and never when it can be avoided. In traction, the advantage of drawing from the centre instead of the two sides of the frame is well understood, in keeping the train steady; and a similar result would be obtained by a central instead of an alter-

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nate lateral pressure, in propulsion, as the wheel flanges, pressing against the rails, keep the train straight.

Taking into consideration the circumstance, that it is always the presence of the locomotive that causes collision, and also the great weight of the buffing apparatus in each separate carriage, we incline to think that it would be far better to dispense with the heavy buffing apparatus in the separate vehicles, and apply an especial buffing apparatus in front and at the end of every engine, between the engine and the train; by these means the same amount of yielding might be attained, with great saving of weight and expense; for the elastic action should be proportioned to the weight of the engine rather than to that of the train. A very small amount of elastic power will suffice between the separate carriages, which may be very cheaply contrived, merely to save jolting; and we think that air pistons would be a very feasible arrangement for a central engine buffer, so contrived that the recoil resulting from compression might be wholly or in part prevented, as might be most advisable; for accumulated power, under proper control, would frequently prove very useful to help an engine into motion when slipping.

There is one more subject to consider in the mechanical arrangement,—the brakes for arresting the movement of the trains. There are many modes of applying the power of the brakes; but the retarding force is, in all cases, friction between the wheels and the rails, by preventing their revolution. On a smooth polished rail, with a smooth wheel tyre, the amount of this friction is small for the purpose of retarding, but very great for the purposes of destruction. The wheels thus retarded, are ground into flat faces of greater or less extent; their circular form being destroyed, their destruction of course goes on very rapidly, accompanied with great mischief to the rails. If brakes or slides were so arranged as to descend directly on the rails instead of on the wheels, with a very large surface, taking the weight of the whole carriage and wheels on them, a greater amount of retarding power would be attained, and neither wheels nor rails would be injured.

Having considered the different portions of the carriage mechanism, we now come to the question of the carriage itself. There can be no two opinions as to the desirability of having the mechanism best adapted to save friction and weight in draught; and whatever be good in principle for one kind of carriage, is good for all. Waggon or passenger carriage, all should be alike well made.

Supposing a carriage to be provided with springs fulfilling all the conditions before laid down, that will not in itself con-

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stitute a perfect carriage. There must be a minimum proportion of length and width, combined with height, to insure steadiness, *i. e.* to keep the centre of gravity in the right position. In wagons for goods, the height may vary; but in the height of passenger carriages—we mean the body or apartment of the carriages—there is a minimum standard, viz., the standard height of men: less than six feet would not be convenient. The national, or four feet eight inches gauge of rails—probably an original integral measure of five feet outside the rails—was most likely assumed by Mr Stephenson from the ordinary cart and waggon track, the Liverpool and Manchester being originally intended for a goods line, and not a passenger line. It was found too narrow for passengers, and therefore the wheels were kept low, and the body was placed above them. Mr Brunel, made wise by the experience of others, widened his rails to seven feet: and by the extra width and length, in proportion to the height, secured a steadiness which has never yet been attained on the narrow gauge in England. He did more: he gave his carriages six wheels instead of four; and by six points of bearing, prevented the oscillating movement to which those on four wheels are liable. The earliest carriages were made very short, and with the wheels very close together, with the object of going easily round curves, and using very small turn tables. The axle-bearings, were also made close to the wheels, on the usual engineering plan; but the carriages were found to swing so much, that the wheels were set further apart, and the bearings were projected a little further from the wheels, to get a greater width of body. On some lines even six-wheeled carriages were used, though the length was not increased, the turn-tables and other arrangements at stations having stereotyped the length.

But though *cæteris paribus* the wide gauge is capable of greater speed than the narrow, we nevertheless think it a practicable thing to attain the use of very long and wide carriages on the narrow gauge of rail, without interfering with station arrangements; and without long and large carriages neither the maximum of speed nor the maximum of steadiness can be attained. We think that the axles at present in use are amply strong enough to permit the bearings to be projected two feet beyond each wheel, without any tendency to break; nay, with less tendency to break than when the bearing is close to the wheel, which position increases the violence of the shock; whereas by the bearing being projected, there will be a slight spring in the axle, which will save the jarring. By this method the carriage may be made ten feet wide instead of six feet, and

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it may be arranged to connect two of these carriages together, when on the rails, by firm set-screws on either side; so that the carriage will be ten feet wide by forty long, supported on eight wheels, and under seven feet in height. The great width and length will prevent any tendency to oscillation. At the stations it would become a pair of four-wheeled carriages, as easily moved as any others. With four axles, and eight points of bearing, on perfectly elastic springs, the wheels would give and take to the inequalities of the rails; while the body preserved its horizontal level, precisely as a very long boat remains steady on the waves while a short one is tossed up and down.

We have been at the pains to procure a design for a carriage on this plan, embodying advantages we have not hitherto seen attended to, unless in a royal carriage; and we are sure her Majesty will not object to her subjects being as well served as herself, if it can be done cheaply.

The entrances are from a platform at either end; but doors for entrance at the sides might also be provided if found to be necessary. Through the whole length there is a passage two feet wide. The sides are divided into sixteen compartments, like boxes in a coffee-room; each compartment holding four persons, or six occasionally, and a table between them, made with folding leaves to let down when required. The advantages of this carriage would be that large parties could sit together, or get access to each other to converse during a journey; and the guard would not be obliged to perform the dangerous gymnastic feat of clambering outside along the steps from one carriage to another, while a train is in motion. Supposing all the carriages of a train made upon the same principle, there might be a complete communication throughout; and it would, therefore, be quite practicable to have a steward's room, for refreshments, as in steam boats, and a ladies' and gentlemen's cabin; an accommodation which ought to be considered quite indispensable in the fast trains, which allow of no intermediate stoppages.*

As regards the going round curves with this long carriage,

* There is great chariness on the part of railway companies in adopting new plans, and perhaps, on the whole, there is a salutary caution in it, where it is a question of adventuring on the new and the untried: but in the question we are now advocating, there is precedent for a guide in all that requires mechanical consideration. We find it stated in the 'Railway Chronicle,' that the carriages on the German railways are of very great length, on six and eight wheels, and considerably wider than an English carriage for the same gauge of rails; and all who travel by them speak of them with great approbation as to their ease of movement and steadiness. These cuttings, we believe, were planned in the first instance by Mr W. Lindley, the engineer of the Hamburg and Bergedorf line. The only

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there would be no difficulty, because the central wheels are adapted to slide laterally from two to three inches. It will be seen that the springs are attached to the axle boxes by their small ends, in a line with the axle centres, and from the spring blocks and connecting bars running all round the carriage, no damage could arise, even if all the wheels fell away while travelling, as the spring blocks would support it without oversetting.

There are still many disadvantages in the locomotive engine, which we will endeavour briefly to point out; but we repeat, that the reducing the resistance of the trains to a minimum is the first and most essential point. It is an established fact that there is a certain speed of movement at which the piston of a steam engine will produce the maximum effect; *i. e.*, will give forth the maximum of power with the minimum consumption of steam. Worked beyond this speed, power is lost; and as the speed increases the power of the steam lessens, till at last, at great speeds, the steam chokes itself by pressing on both sides of the piston at once, and the engine can but just overcome its own friction and gravity. It is analogous to the case of a horse, which loses the power of draught in proportion to the increase of pace. With the existing construction of railway locomotives, where the piston is applied directly to the cranked axle of the driving wheels, there are but two modes of increasing speed, viz., by increasing the speed of the piston, or by increasing the diameter of the driving wheels. The most approved diameter for passenger engines is five feet six inches; the length of the stroke of the piston is eighteen inches. The wheels, therefore, must make three hundred and twenty revolutions per mile, and this without making any allowance for slipping. At thirty miles per hour this will amount to 9,600 strokes of the piston; which, with the return stroke, will be 28,800 feet traversed by the piston within the hour, at the rate of four hundred and eighty feet per minute. The best rate of speed for the minimum effect being from two hundred to two hundred and twenty feet per minute, it follows that the pistons are worked more than twice as fast as they ought to be.

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variation we propose from the German plan, beyond the division into compartments, is to construct the carriages in two separate parts to adapt them to English station arrangements, and facilitate repairs.

There is another advantage attendant on this construction of carriage, viz., *that by the use of sliding doors each compartment may be instantaneously converted into a small state room, for the use of a private family.* In short, every convenience may be provided, as in a ship, for a long voyage.

On emergencies extra seats could be raised on hinges, making altogether one hundred and twelve persons in the same length of carriage, which, on the present plan, holds only thirty-six to forty-eight.

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On the Great Western line, Mr Brunel tried the effect of enormously large driving wheels; but they were found disadvantageous. He also tried the other obvious plan, with an engine patented by Mr Harrison, of multiplying the motion of the pistons by cog-wheels, toothed into pinions on the axle of the driving wheels. The plan was not found to answer, and it was abandoned.

We are, however, satisfied, that in the multiplication of the motion of the pistons by one or other means, is to be found the solution of the difficulty under which the locomotive engines labour, as to waste of power. A locomotive engine with a pair of fourteen-inch cylinders and eighteen-inch stroke, at the usual pressure of steam, really is, we believe, a machine of eighty-horse power; but it is quite certain that its moving power, exhibited in the traction of a train, falls very far short of this. The locomotists of railways have ever treated the locomotists of highways with the utmost scorn; but we should like to see the respective leaders fairly pitted against each other. We do not mean to imply that a macadamised road, or a wooden road, has any chance of competing with an iron road for the purposes of traction, whether the traction be by steam or by animals. Never was there a greater fallacy exhibited than in the obstinate perseverance of the road locomotists in the belief that for steam purposes a soft road is better than a hard one—a road easily crushed better than one incapable of being crushed, after it had been long demonstrated that iron tramways were better than paved roads. But they had got a firm hold of the popular error, that iron was incapable of adhesion upon iron,—that roughness of surface was essential to produce "bite," especially in surmounting acclivities; the truth being, that they confounded roughness of surface with tenacity of surface and contact of parts, supposing that a yielding surface which would adapt itself to the tread of the wheel, would become an unyielding surface to form a fulcrum of progression for the wheel. It was the error of reasoning from one circumstance, instead of taking all circumstances into the account. For light weights the adhesion would be greatest on rough roads, but for heavy weights the adhesion on an iron rail is the greatest; and if it be considered a cheaper thing to surmount a very steep acclivity than to level it, it would not be difficult to make the surface of the rail analogous to that of a file to produce an interlocking of parts. This is practically accomplished by strewing sand over the surface of the rail when slipping takes place. Now, inasmuch as the locomotive, whether for the highway or for the railway, must be heavy in order to develop power profitably, the iron rail is the best sur-

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face for it to act on; but highway locomotion was in the field, or rather on the highway, at an earlier period than railway locomotion, and if the latter had been deferred, we have no doubt that the former would have been extensively carried out; but the ultimate result must have been the laying down rails, and probably they would have been laid on the surfaces of the old highways. However, considerable capital had been embarked in highway locomotion, and both machinists and speculators were encouraged to persevere, by comparing the small amount of capital required for the construction of mere locomotives, with the very large amount of capital required for the construction of railways, including the purchase of land, and the completion of the whole plant, and stock of carriages and locomotives. They forgot that they—the highway locomotists—must pay for a road to run on, in one form or another, and that the railroad was the least costly to maintain; aud, moreover, that if the railroad involved the outlay of capital, the traffic must also be greater.

But notwithstanding, the highway folks, and Walter Hancock at the head of them, did make machines to run well, and at great speeds, on highways; and it is probable that if road surveyors, postmasters, and innkeepers, could have foreseen the results of railways, in taking their traffic away from them, and had furnished all aid and assistance, many highways would before this time have been turned into tramways or railways. Walter Hancock's steam coach did run on highways, a feat we are persuaded no railway locomotive could accomplish; and we are equally well persuaded that Walter Hancock's steam coach could run on a railway. In short, we are satisfied that if several of the plans used by Mr Hancock in his steam coach were grafted in the railway locomotive, the result would be a manifold improvement. The weight on the driving wheels of a railway locomotive is borne on an ugly unmechanical mass of iron, designated a cranked axle, with the cranks of which the pistons communicate; the speed of the engine depending on the speed of the pistons, as before described. In Mr Hancock's plan, the weight on the driving wheels is borne by a straight shaft; the pistons act on a separate cranked shaft, on which is a notched pulley of a given diameter, communicating by an endless chain with a notched pulley of larger diameter on the shaft of the driving wheels. In this mode the speed of the driving wheels is multiplied as much as may be required, while the pistons are not worked beyond the speed requisite to produce the maximum effect of the steam. We should like much to see Mr Hancock set to work by the Board of Trade to solve this problem, so all-important to the full development of the locomotive engine.

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Assuming that the locomotive power is to be the chief mover on railways, we incline to think that some material change must take place in the principle of rails and wheel tyres. The maximum of friction or bite is required in the driving wheels, and the minimum in all other wheels. At present, all wheels being coned to the same angle, the friction of all is equal in proportion to the weight, and this angle is in the direction tending to thrust the rails outward, *i. e.*, to widen the gauge with a wedging action, which is also the tendency of the blows of the flanges. If it were practicable to make the cones in the opposite direction—say at a right angle with the flange of the wheels—the gauge of the rails would be preserved, and, moreover, the duration of the wheel tyres would be increased, by the pressure being kept away from their thickened outer edges. Of course this principle would only be applicable to the driving wheels, and there would also be a difficulty in the arrangement at crossings; but on curves there would be a considerable advantage. With the smallest diameter of the wheel on the outer side, the tendency is to bring the flange in contact with the outer rail, thus aiding the mischievous action of the centrifugal force, which is so great that it is a common practice to lay the outer rail of a curve considerably higher than the inner one, in order to counteract it. But with the outer diameter of the wheel larger than the inner, the tendency on the curve would be to keep the flange away from the outer rail, and press against the inner one; thus counteracting the centrifugal force, without altering the level of the rails.

If the carriages of a train were made very light, we think it possible to make an arrangement, so that the engine wheels might bear on a breadth of three inches, or even the whole width of the rail, while the carriage wheels were only bearing on a quarter of an inch or less. With hard rails and hardened steel tyres, this might be accomplished. If, for example, the upper surface of the rails were in form a portion of a cylinder, say of six inches in diameter, and the tyres of the driving wheels were turned to an exact curve to fit the rails, the "bite" would be ensured, while the wheel tyres of the carriages might be turned to a curve of eighteen inches in diameter, so as to avoid friction, and produce a true rolling movement. If the locomotive is to remain the chief moving power on railways, sooner or later some such plan as this must be adopted, or the locomotive will be made to run on one set of rails, or possibly to "bite" on a central rail, while the outer rails are left exclusively for the use of the carriages.

The defects in mechanical arrangements we have endeavoured to point out, may be thus summed up:—

1. Want of traction registering gauges to the trains. 2. Want

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of free rolling movement in the wheels and axles of the carriages. 3. Excessive weight of construction. 4. Imperfection of bearing springs. 5. Imperfect construction of wheels and tyres. 6. Imperfect buffing and traction apparatus. 7. Imperfect brakes. 8. Imperfect balance and top-heaviness. 9. Imperfections of locomotives.

The improvements practicable under each of the above heads are all susceptible of experimental verification at no great expense. But who is to verify them? Companies will not do it. Their interest is to do as well as their neighbours, but they have a great dislike to experiments. They are essentially conservative in their operations, and, to a certain extent, their caution is wise. They do not think it wise to risk anything new, in which the public is concerned, and they seem to think that all experiment is useless, which is not tried on a large scale. And it is one of those cases which cannot be left to individual efforts. On a highway a man may try experiments as long as he pleases; he can do it single-handed. But experiments on railways involve the running of carriages in trains, and no carriage can be tried, which will not make up in the general trains, not merely of the particular line, but of other lines connected with it. Nor will the system we have proposed, of leaving the railway in the hands of the company, and putting the working of the trains up to competition, remedy the evil, unless a well-digested system of improvement, verified by practice, can be shown. If once an improved system were digested, and a great saving of resistance well ascertained, the plan of working the trains by competition, over rails belonging to separate owners, would then work well; for, it may be assumed as a general axiom on railways, that, in *proportion to the resistance of the trains will be the wear and expense of keeping the line in repair.* At present, the rail owner and train owner being the same person, he has an interest in working up his bad stock at the expense of his rails and the public; but when he gets rid of the stock, his perceptions will become exceedingly acute on the subject of traction. He will make an especial bargain that the train contractors shall use registering draw-bars with all their engines, and he will vary the amount of his tolls with perfect justice, in proportion to the destructive powers of the trains, precisely as was the case, and we suppose still is the case, on highways, the toll rising with the narrowness of the tyre, in proportion to the weight of the load and destructive result. And then it will become a matter of calculation to the train owner how far it will be worth while to pay high tolls to wear out old carriages, or to build new carriages to pay only low tolls.

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The standard of perfection cannot be attained by private individuals, and we think this is a matter falling peculiarly within the province of the Board of Trade to ascertain. If the Board of Trade were to settle definitely, by practical demonstration, the best construction of engine and train, to produce the maximum of traction from the steam power, together with the minimum of resistance from friction and gravity, they would possess certain data from which to calculate the rate of fares, and companies choosing to work with imperfect machinery could scarcely complain of the competition of any new lines, working with the newest improvements. There are many questions in which the *laisser faire* principle is a sound one, but all questions of national education must be founded on the very opposite principle to *laisser faire*, and the standard of perfection in railway locomotion is yet a question of one part of national education. It is a branch of knowledge which it is the duty of the Board of Trade to perfect, and without which perfection, the members will be very ill adapted as a tribunal to sit in judgment on the fittingness or unfittingness of new railway projects. It is not well that the lesser wisdom should command the greater, and it is a fitting thing that the Board should be a judge in reference, on all questions that may arise.

For example, it is now a mooted point whether railway traction by steam locomotives, or by a fixed steam engine, acting through the agency of an exhausting air tube—the atmospheric railway—is the most advisable method. The inventors of the latter plan assert that it is perfect, and they have already done much on the Dalkey incline, to show that it is feasible; but the essentially sanguine character of an inventive mind renders it advisable to examine cautiously all these statements. On the other hand, the promoters of the locomotive system have probably also a biassed leaning to their own plans, and we are very far from attributing such bias to any unworthy feeling. It is essentially the character of the human mind to become exclusively impressed with that which it has exclusively pursued, just as the eye which has long looked on a strong light is unable for a considerable period to distinguish objects in the shade. There is another circumstance also to consider. The operation of vested interests. If the atmospheric power be cheaper, and more desirable for the public, in rapidity, safety, and other particulars, the proprietors of locomotive lines must ultimately convert their lines to the atmospheric principle, at considerable cost, or they must be content to see competitive rivals carrying away their trade. The mere possibility of such a thing will make them the actual opponents of improvements, and the array of existing lines is a for-

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midable matter to deal with. The proprietors of locomotive lines will overrule engineers and railway officers of every kind, for the sake of their own interests. And this is perhaps well; a kind of wholesome conservative spirit, tending to perfect the new thing, while it gathers friends and competitive capitalists around it. Employed capital holds on to the old; unemployed capital goes to the new; the mere capitalist, with his capital invested, cordially hates all new inventors; and we remember an instance of a cautious director, who sold out of a thriving railway, saying "he was sure that some d—d new invention would be coming out to bring down the price of his shares."

When the Liverpool and Manchester line was first made, two sets of engineers were in opposition, as to moving power, whether it was to be stationary engines and rope traction, or direct locomotive traction. Experiment gave it clearly in favour of the latter. Since then, Mr Stephenson, the advocate of the locomotive engine, has constructed a railway—the Blackwall—on which the stationary engine and rope is used, and we believe the result to be a very great waste of power. The railway is an incline, and the engines, averaging one hundred and eighty-horse power, drive a train of about one hundred tons gross load, at a speed of about twenty miles per hour. The carriages composing the trains on this line have no buffer apparatus, yet they are as heavily constructed as any on the locomotive lines. Mr Stephenson examined the atmospheric railway on the Dalkey incline, with a view to make a report as to the eligibility of the principle for the Chester and Holyhead line, and his report was unfavourable. He compared it with the rope traction on the Euston incline of the London and Birmingham railway, the distance being about the same as that of the Dalkey, and he found the expenditure of fuel for the work done, to be less on the rope principle than on the atmospheric. But there appears to us to be a fallacy in this comparison, owing to the shortness of the line. The weight of the rope increases in proportion to the length of the line, and thus the disadvantage goes on increasing. Half a mile of rope is a certain proportion of dead weight against the train. A mile of rope doubles the proportion, but it does not follow that a mile of atmospheric tube would produce double the loss in leakage, of half a mile.

Mr Stephenson states the loss of power, according to his experiments, from its first generation in the stationary steam engine, till it is delivered to the train through the agency of the atmosperic tube, to be seventy-four per cent. This, no doubt, seems a formidable loss, but we propose to deal with it in a comparison with the locomotive engine.

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Till we are satisfied to the contrary by some clearer statement than has yet appeared, we consider ourselves justified in assuming that the average loss of power in passenger locomotives, at a speed of from twenty-five to thirty miles per hour, is forty per cent. Deduct this from Mr Stephenson's statement of seventy-four per cent. it will leave the locomotive only an apparent gain of thirty-four per cent.

The next question is load. On the locomotive principle of carriage construction, three first and three second-class carriages will weigh at the rate of four tons and three tons each,—the gross weight of twenty-one tons. For the atmospheric line the weight would not be more than six tons gross. One hundred and twenty-six passengers would be nine tons in either case. Therefore the gross load would be—locomotive, thirty tons; atmospheric, fifteen tons.

Add to this the weight of the engine and tender, with the load of water and coke, twenty tons; total load of fifty tons, for the conveyance of one hundred and twenty-six passengers by locomotive, against a total load of fifteen tons for the conveyance of one hundred and twenty-six passengers by the atmospheric, upwards of one hundred and fifty per cent. saving in load.

Take an old mail or stage coach, at the full weight of one ton, its ordinary load carried was two tons—on emergencies three—or two to one. Upon this showing, six tons of railway carriages should carry twelve tons of load; but we have only taken nine. Nor is there any reason why a carriage on an atmospheric railway, never brought in contact with locomotives, should be made stronger than one of the fast four-horse coaches used on the highways.

On the locomotive principle "maintenance of way" amounts to twenty-five per cent. of the total annual mechanical expenditure, and this is produced chiefly by the destructive power of the heavy driving wheels of the locomotive. This item is nearly equivalent to the total expense of locomotive power, and therefore must be considered as one hundred per cent. added to the locomotive expenditure. On the atmospheric principle with light carriages, the maintenance of way would be a mere fraction. On most lines the maintenance of way averages six per cent. on the receipts, and if the locomotive be dispensed with, we may reckon it as at least five per cent. added to the *profits* of the railway. Therefore, the balance against the atmospheric in favour of the locomotive, even on Mr Stephenson's showing of seventy-four per cent. loss of power, will be only thirty-four per cent., while the results of the load will be one hundred and fifty per

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cent. in favour of the atmospheric; nett balance in favour of the latter, one hundred and sixteen per cent.*

But it may be argued, the locomotive has yet to be improved, and the trains to be lightened, and then the difference will not be so great. We are quite ready to admit this argument; but on the other side of the question, the atmospheric has yet to be improved from what Mr Stephenson rates it at. What if the atmospheric be so improved as to reduce the loss to twenty-five per cent. in transmission, and fifteen per cent. more in leakage and friction? Supposing the locomotive system not to be improved, that would amount to thirty-four per cent. more in favour of the atmospheric; and we have taken no credit for saving in friction by improved construction. That something like this may eventually be the case, we are induced to believe, from a perusal of the statement furnished us by a friend of both scientific and practical attainments, and which statement is appended to this article. If there be no error in our reasoning, the advantage in favour of the atmospheric system would be one hundred and fifty per cent., *i. e.*, the annual traction and mechanical expenditure of an atmospheric line between London and Birmingham at the present rate of traffic, would be 35,874*l.* instead of 143,586*l.* on the locomotive plan, producing a saving of 107,712*l.* Against this must be charged the annual interest of any excess of capital employed in constructing the atmospheric, or *vice versâ*, credit must be given.

This saving would carry upwards of 230,000 passengers between London and Birmingham at the rate of a penny a mile; about 25 per cent. more than the total number at present carried within the year, and taking resistance to traction into account, probably 33 per cent.

In round numbers we may estimate the saving at 100,000*l.* per annum.

A new line between London and Birmingham, at 22,000*l.* per mile, could now be constructed for two millions and three quarters less than the existing line has cost; the interest of which at 5 per cent. would be upwards of 137,000*l.*, equivalent to 193,000 passengers carried the whole distance between London and Birmingham at one penny per mile.

So that upon this showing, upwards of half a million more passengers might be carried annually by the mere savings, and

* Whether the maintenance of the atmospheric tube will be equal to the maintenance of locomotive way, we cannot pronounce; but if it prove to be more economical, the amount will swell still further the balance in favour of the atmospheric. We cannot imagine any very heavy expense with it.

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leaving the same rate of profit to the shareholders, viz., 10 per cent.; that is to say, the number of passengers might be doubled without additional expense, and leaving a very large margin for contingencies.

But we have reason to think that there are yet several drawbacks to the perfection of the atmospheric system. By our appendix it appears that a low vacuum is the most favourable to prevent loss of power, and if so, the size of the tube will require to be increased, to enlarge the area of the piston for heavy trains; and the long valve, we are persuaded, will not remain what it is at present, a mere luting of gummy substance. If the tube were placed under cover, so that no sand or dirt or dust could possibly get at it, there might be some chance for durability, but, as the children's books have it, "tar, when boiled down to dryness, becomes pitch;" and by the process of constant heating, the gummy luting will become hard and useless. Moreover, at the small leak which must exist where the piston is attached to the carriage, there will be a constant rush of dust. In a sandy country this would be very mischievous. But of course, if a moderate amount of labour will suffice to keep the valve cleaned and fresh luted during the intervals of rest, this will not remain a practical obstacle. We incline to think, however, that ultimately a good mechanical valve will be produced. As yet, also, arrangements have to be made for crossings, and for backing trains, and various other things, which time will produce, on the atmospheric plan, as it has already done on the locomotive plan.

We have made our calculations roughly, subject to verification as the requisite facts shall be settled, and we earnestly urge it on the attention of the Board of Trade to supply the data. Rewards have been offered by government for the discovery of the north-west passage. It would be a far more important thing to national progress to offer a series of rewards for the discovery of the minimum expense of transit. At present, individuals do not attempt to make improvements unless under the protection of a patent, and to possess a patent is, in many cases, equivalent to proscribing the use of the article patented. It is like the charge of a turnpike toll, where people will lose time, and spend sixpence indirectly, in order to avoid the direct payment of twopence. We are satisfied that the mode of inducing individuals to make improvements, most conducive to the interests of the public, would be a series of rewards graduated in amount by the value. The Liverpool and Manchester company did this in the case of the locomotive, and most beneficial was the result. But the reward of 500*l.* to produce the best machine of a class varying from 1,500*l.* to 2,000*l.* was not

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a very liberal proceeding. A cheeseparing economy in the articles of patterns, *i. e.* in payment for originality, is a penny-wise-and-pound-foolish mode of procedure. We think a scale of graduated rewards something in the following fashion would be desirable. This is not a bounty on the principle of Customs drawbacks, but simply a premium for origination.

1. For the best means of communicating the power of a fixed machine to the traction of a train on a road or railway, with the minimum of loss of power in transmission, and at the minimum of expense for the work done— *l.*

2. For the best locomotive engine, whether worked by steam or other means, developing the largest amount of power, with the minimum of loss, in transmission to the train drawn, and at the minimum of expense for the work done, including both the road and engine— *l.*

3. For the best machine for the carriage of loads on railways, with the minimum of weight, friction, and resistance, and with the maximum of economy in cost and durability, adapted for the use of lines of railway worked by locomotive engines— *l.*

4. For the best machine for the carriage of loads on railways, with the minimum of weight, friction, and resistance, and with the maximum of economy in cost and durability, adapted for the use of lines of railway worked by fixed engines— *l.*

5. For the best system of constructing and securing rails on a railway, preserving the most even surface with the greatest durability— *l.*

We think that the Board of Trade should have at their command an experimental line, on which results might be ascertained. Nor do we propose simply to give a single reward for each improvement. We think it desirable to have the rewards permanent, and that there should be an annual period for trials. We think that if the whole amount of the rewards were paid away every year for successive improvements, it would be a most desirable thing for the community and for the world at large, for it cannot be too often repeated, that railways, more than any other undertakings, are apt to be stagnant in improvements, because individual efforts are cramped by corporate bodies, and corporate bodies do not aim at public profit, but at their own pecuniary gain. They will at any time deprive the public of a million, for the sake of putting an extra hundred pounds in their own pockets. To correct evils of this kind, to secure to the public, as far as may be, the benefits of free competition, by putting the working of the lines up to periodical public tender, and to prevent disputes between railway owners and railway workers, should be the peculiar office of the Board of Trade. But we should very much regret to see

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that Board presiding at the receipt of railway custom. Not that we think sounder or clearer heads could be found than Mr Porter or Mr Laing—men freer from prejudice or more imbued with justice, but

"'Tis the dread of something after that,"

—their possible successors, that we look forward to with fear, and we would rather take our chance of existing monopolies in many hands, than see a single government monopoly in power. From a state of anarchy, a people may emerge to light.

From the Board of Trade has originated the bill intended to break up private monopoly in railways. The excitement consequent upon this amongst railway shareholders and directors was intense. They called it a bill for spoliation and plunder. They assert that they have shown themselves to be

*** Since the above was written, the New Railway Act has been finally adjusted between the companies and the Board of Trade. The companies have the best of it: the existing companies—as is quite just—are not to be interfered with; but in addition to this, they are at liberty to add five-mile branches to their lines at pleasure.

The new line companies are to be at liberty to make any profit they like for twenty-one years; after that time the *Treasury* is to be at liberty to revise their tolls, if, in three following years, they shall divide 10 per cent. or more; reducing them to 10 per cent., but *guaranteeing* them that 10 per cent., and then leaving them unmolested for another twenty-one years. This guarantee and limit is a most efficient recipe to ensure non-exertion.

The Lords of the Treasury are to have the right of purchasing any line of railway made subsequent to the passing of the act, after the expiration of the twenty-one years, paying for it twenty-five years' purchase on the average revenue of three years, which, however, is not to be less than 10 per cent. But this right of purchase is not to be carried into effect without giving three months' notice, and, moreover, getting the sanction of an act of parliament to raise the money.

In other words, the Lords of the Treasury are to be at liberty to apply for an act of parliament; a power which they had before. The clause, therefore, amounts to a warning that if the companies should be naughty boys, the Lords of the Treasury intend to report them to parliament, to take away their playthings.

We think the compensation proposed to be awarded for these playthings is worthy of consideration. We presume that not merely the new companies, but the old ones also, will run shouting to the Treasury, playthings in hand, and ask for the money. We think even the London and Birmingham company will be glad to give up all speculation of further advantage, and take the government security. They know that a 10 per cent. investment is a risky kind of affair, and right glad will they be to secure it in the funds. As thus:—

The cost of the London and Birmingham railway is, in round numbers, 5,500,000*l.*: 10 per cent. annual interest on this would be 550,000*l.* At twenty-five years' purchase, this would amount to 13,750,000*l.* Verily there is no business so profitable as this. Eight millions and a quarter of profit realized upon an outlay of five millions and a half, in the space of about

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enterprising and patriotic men, beyond all other classes of the community, and that they are entitled to what they call the full reward for their labours. And no doubt they are, but we suspect they would not be content with being let alone—they want other persons to be interfered with, and impeded in any further attempts at enterprise and patriotism in the same direction.

We quote from the 'Report of the Select Committee' the evidence of the intelligent manager of the Leeds and Manchester railway, Captain Laws:—

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eight years; and 10 per cent. annual interest paid during a part of the time. The palmy days of the wandering tribes of Judæa would indeed be returned, if this could come to pass. At this rate it would saddle the country with a debt of about one hundred and sixty millions, to purchase up the existing lines of railway, which at the present day could be made out and out for about thirty-four millions. Did the railway companies draw the act themselves?

But for one clause we should think so,—the provision to compel the running of at least one third-class train per day, seated and covered in to the satisfaction of the Board of Trade, at a charge not exceeding 1d. per mile. This, if carried out, will keep down first and second-class fares to a proportionate amount; but it is far too high a charge, even for the most costly lines.

The 10 per cent. interest on the London and Birmingham capital is 550,000*l*. It would require 2,200,000 passengers at 5s. per head to pay this. Mr Laing states, in his evidence before the select committee, "that 26*l*. represents the amount of traffic that a train ought to carry to recompense the London and Birmingham Company, including wear and tear of the line and the interest of the money laid out in its original construction; it is the amount which a company contracting with the Post office, or with another company, would run a train for." A train will carry a net load of fifty tons; this is equivalent to two hundred and fifty first and second-class passengers at 2s. 1d. each; or four hundred third-class seated, at 1s. 3d. each; or six hundred and fifty standing passengers at about 10d. each. Therefore, supposing 2,200,000 passengers to be carried, the scale of fares would be as follows:—

		s.	d.
First-class	about	8	0
Second ditto	„	7	1
Third ditto	„	6	3
Standing	„	5	10

We here assume Mr Laing's statement as prime cost only, but it really is a profit charge. An intelligent and evidently practical correspondent of the 'Railway Chronicle' gives the following statement:—

CURRENT CHARGES ON DIFFERENT CLASSES OF PASSENGERS PER MILE.

	Locomotive Power.	Carriage.	Sundries.	Total.	Fare.	Per Centage of Expense on Fare.
First-class	·195	·088	- -	·283d	3d.	9½
Second ditto	·113	·046	- -	·159d	2d.	8
Third ditto	·077	·025	·036	·138d	1d.	14

This is supposing the carriages to be only half full.

Reckoning that filling the carriages would compensate for maintenance of

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"By the statements made at railway meetings held at York, Gainsborough, and Lincoln within the last fortnight, it appears a combination now exists between the London and Birmingham, the amalgamated Midlands, the York and North Midland, and all the lines in connexion, and that are to be in connexion north of York to Edinburgh, and that they had only to stand firm to themselves, and any competition would be very harmless; and that an extension of this same combination had already passed through committee in the House of Commons from York to Scarborough, and Leeds to Bradford; and that in the ensuing session of parliament powers were to be sought to make a line from the North Midland, near Swinton, and the Midland Counties from Nottingham, to meet at Lincoln, and another line from a point north of Swinton to a point in the Sheffield and Manchester line called Penistone Moor, which, with the Sheffield and Manchester and Sheffield and Rotherham, would become a part and parcel of the same interest. And extensive as this combination appears, there is (provided parliament grants the powers) nothing impracticable in it, as it was stated that all the new capital would be guaranteed by the existing lines, and that the London and Birmingham had offered to subscribe largely to that object. Were such a combination to exist, it would completely defeat any limit of dividend or check from competition; for, however threatening a new line might appear before parliament, if this combination were allowed to extend themselves east and west from Lincoln to Manchester, and north and south from London to Edinburgh, they could perfectly defeat any competing line, and very soon drive them into their own terms, and thus establish the privilege exclusively of fixing the rates and carrying the traffic by a circuitous route, not only through the midland counties districts, but also the eastern; for in the event of the North Eastern extending, as they intend, their line to Boston or Lincoln, they could divert, by various means of delay, &c., the greater part of the traffic from them, or any direct line north and south.

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way and all other expenses, this would be about, between London and Birmingham—

	s.	d.
First-class	2	9
Second ditto	1	6
Third ditto	1	3½

This approximates sufficiently near to Mr Laing's statement, and is at the rate of rather more than one farthing per mile first-class; not quite three-fourths of a farthing second-class; and rather more than half a farthing third-class.

If the government were to pay off the 3,280,000*l.* which we may suppose to have been wasted on the Birmingham, inasmuch as it could now be made for 2,220,000*l.*, it would cost them in interest, at 4 per cent., 131,200*l.*; and supposing 5 per cent. guaranteed on the remainder, it would be 111,000*l.*—a total of 242,200*l.* per annum.

2,200,000 passengers at about 2s. per head would pay this; in which

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"Does the plan to which those remarks refer include any extension westward as far as Manchester?—It includes an extension junction *viâ* Sheffield, which completes the line west of Lincoln, and Newark, and Nottingham."

Mr Cardwell, a director of the South Eastern railway and member of parliament, in his evidence before the Select Committee, says—

"Supposing a company were to come to parliament, and to say, 'In consequence of the diminished cost at which railways can now be made, we will make a new railway from London to Birmingham, and we will be tied down to take only two-thirds of the present charges;' the practical question for the railway companies with whom we are proposing to bargain is, would parliament, under the hypothetical statement which you hold in your hand, be bound to refuse that application, though it might be a very good speculation for the undertakers?—In the first place, I think that the existing Birmingham company would take very good care that it should not be a good speculation to the undertakers, and the parties would be very bold parties who carried it out."

We think there can be little doubt of the tendency of existing railway companies to become a great amalgamated private mono-

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case the fares might be for the whole distance between London and Birmingham—

	s.	d.
First-class	4	9
Second ditto	3	6
Third ditto	3	3½
Standing	2	10

Want of original foresight has prevented this. The company have and possess their property, and it can never be interfered with without their own consent, unless on the principle of full compensation. The result is, the present fares are—

	£.	s.	d.
Mail	1	12	6
First-class	1	10	0
Second ditto, night	1	5	0
Ditto, day	1	0	0
Third-class	0	14	0
Standing	none.		

We have stated that the provision for third-class carriages at 1d. per mile, will keep down the first and second-class fares; but this will not apply to all cases. The penalty for not complying with the provisions of the act is a maximum fine of 20*l.* per day, amounting to just 7,300*l.* per annum. It would be worth while, in a pecuniary point of view, for the owners of a rich line to pay the annual fine, repudiate third-class altogether, and charge their own fares in first and second. We suspect that some long-headed director drew this clause.

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poly, to which the only corrective is the construction of new lines, protecting the public by efficient clauses, or the voluntary surrender of the mischievous features of their monopoly to the revision of the Board of Trade.

As to the "enterprise and patriotism" part of the question, alleged on the behalf of a shifting body of railway shareholders, it rather stirs our mirth than our logic. We have no more compassion for the losses of railway shareholders than we have for the losses of Welsh highway shareholders, or steam-boat shareholders, or any other of the speculative tribes. They embark their spare capital in the hope of profit and a good dividend, the safe three per cent. of the public funds not satisfying them. They lend to the "drab-coloured men of Pennsylvania" till they "repudiate," and then they come back and make new railways. Railway shareholders are a body consequent on the plethora of capital; and an apoplectic man might as well allege that he underwent bleeding out of "enterprise and patriotism," as a shareholder may allege that his purse-strings are drawn on the altar of his country. Your railway shareholder is, in the mass, a silly kind of sheep, leaping where his fellows have passed; and our compassion is reserved for the poor *bonâ-fide* invester, to whom the shareholder speculative has sold his interest, considerably above par, when it was considered that the premium had made it "as safe as the Bank." This is a case of mere dupe making; like Stock Exchange work, it is a vice of national immorality, for which there is no cure but national education, cultivating the reason and intellect of the gull tribe till they cease to be gullible. "The poor shall not cease out of the land,"—at least as long as ignorance shall prevail.

But small as is the respect we feel for railway shareholders, not the less do we recognise enterprise and patriotism in many of the real railway makers. We apprehend that George Stephenson is perfectly aware of the value and uses of money, but no mere pecuniary interest could have led him to persevere in his onward course from boyhood; when he toiled as a slave to the great steam engine in the mine, up to the period when he had forced his way through all the difficulties, natural and artificial, of the Manchester and Liverpool way, and ridden his ponderous fire-steed with arrowy swiftness, like a peaceful Viking, a warrior for a nation's, for a world's, progress,—over that very Chatmoss

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There is one, and but one, remedy,—lines thrown open to competition at short intervals, to be worked by rival contractors. Very shallow will the government be if they cannot accomplish this: and the directors of existing lines thoroughly understand their position.

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whereon a natural horse could not find foothold, and the incautious rider was doomed

"To stable his steed in the Kelpie's flow."

No calculation of per centages and dividends wrought this work. It was the high heroic soul, the strong English spirit, the magnificent will, the indomitable energy, breaking forth at all times, to win a world from chaos, and now grown too mighty to boast of petty triumphs at Crecy, or Agincourt, or Waterloo, that accomplished this world-enduring labour.

His son Robert could not do what his father had done. George Stephenson was an originator, and railways could only be originated once; but Robert has not let the types be idle. He has done his work

"Like to a harvest man that's tasked to mow,
Or all, or lose his hire."

He has made railways of all kinds and gradients, from 50,000*l.* down to 8,000*l.* a mile, suiting the public demand like a thorough man of business. There is no safer engineer than Robert Stephenson to deal with, when any company requires a contract executed to the letter, without exceeding the estimates. His corps of contractors is unrivalled in energy; they are insatiable devourers of "work;" like the daughters of the horse-leech, they still cry "Give! give!" and, of course, little liking have they for what is called scheming—*i. e.*, gleaning more knowledge by slow practical experiment.

Mr Brunel is never so satisfied as when he has to originate. We believe he would risk his whole personal property in a new and an untried enterprise, just as freely as he would his shareholders' deposits. His is the spirit of progress and achievement, and were any contractor to tell him that a thing is "impossible," he would reply, like Mirabeau, "Away with that blockhead of a word!" And so, probably, would Mr Braithwaite also. God speed them! To both, the public are deeply indebted; and in these days there are abundant safety valves, in the form of cautious, money-making directors.

We are far from the supposition that all the work of the railways is due to the engineers. There have been hard heads and strong brains amongst the directors—men risking their own properties for shareholders' benefits—men capable of guiding the business helm in difficulties; but not the less has there been a large infusion of the Ralph Nickleby genus, creatures living on the gullibility of their fellows, getting out of the bad concerns, and keeping hold of the good.

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The object of the railway outcry is to maintain, not merely the right of property in the existing lines, and by amalgamation to make that property a monopoly, but to prevent any future competitive lines from being made. There are men of the Hudson mould, the "Napoleon of railways," as he has been aptly christened, who commit the Napoleon error, of only looking at the immediate, who see the practicability of what they wish, but do not see its future results. There are also men who would embargo the very winds of heaven, and make people pay tribute for breathing; they would "hide the sun with a blanket, and make us pay tribute for light." They would commit the grossest injustice, under the sanction of a law passed under the auspices of mixed design and ignorance, as though the earth had been made by men for the few, and not created by God for the many. But the law did not give an exclusive monopoly to the railway makers; it never contemplated a monopoly; it made express provisions to prevent a monopoly, though the wording was of that kind, that it provided for a species of competition, which could not be carried out, while the companies insisted on its literal acceptation. "Competitors might run trains if they could, but the company was not obliged by law to find them station-room, fuel, or water."

> "They keep the word of promise to the ear,
> But break it to the sense."

Shallow-minded men are they who deem that this can endure, that a whole nation can be deprived of its just rights, for the benefit of a few. If, under any pretext of amalgamation, if even by law specially made, they could obtain the monopoly if every line into London had a clause inserted in its act, that no more lines should ever be made, still the law could not be maintained. It would be a law robbing every man of his birthright, it would be a law to hedge round men's dwellings, and make them pay a capitation tax for the privilege to go forth. Talk of corn laws! No law could be so iniquitous, as a law monopolising the virtual highways of the land. The despots of the highways would be like the robber barons of old, collecting black mail from passengers, for the privilege of passing by. The land would become one large prison, in which only the wealthy would be permitted to travel, at rates yielding the largest possible revenue, with the smallest number of passengers. Dearly would the landholders be made to pay for their early oppressions of the railways, if this could come to pass, if the railway owners could do more than the Duke of Newcastle. "Do as they like with their own" roads, and prevent all other persons from having roads. Covetousness

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more detestable, arbitrary assumption worse than this, cannot be found, unless under an Eastern despotism, when "wild justice" from time to time avenges the wrongs done to society. Fearful becomes the state of property, perilous becomes even life, when such monstrous injustice can be perpetrated, under a simulated form of law. The Welsh riots are yet fresh in our remembrance, caused chiefly by the iniquitous exactions of the high roads. Rebecca and her daughters avenged the wrong, and ultimately procured redress. If the railways of England could once become what the highways of Wales were, the crisis might become so awful as to produce confiscation by violence. "Wild justice" would avenge the wrongs of simulated law.

But there are wiser heads at work than even the men of the "Railway Napoleon" dynasty. Railway directors have an undoubted right to get as large a profit from their lines as they can, but this profit must stop short at the point of exciting interested competition, or public outcry. No one understands this better than Mr Glyn, the shrewd chairman of the London and Birmingham, who may be regarded as the railway Rothschild, and capable of playing the railway emperor up and down at his pleasure, by pulling the purse-strings, and influencing the moves behind the curtain. Mr Glyn says, in his evidence before the Select Committee—

"I would rather see a competing line in the hands of the government than in the hands of a private company."

We have no doubt of it. He knows which would be the most formidable rival. But he is quite prepared to put the companies under government, or rather under the Board of Trade control, in consideration of being protected from competition.

"Is it then your opinion that it is worth the while of the railway companies now in a flourishing state to make a reasonable arrangement with the public, foregoing something of their expectations for the sake of greater security for the maintenance of what they at present possess?—It is my own opinion that the existing railway companies would benefit their property very materially, provided they could receive sufficient security from parliament for the protection of the interests which they now possess against illegitimate competing lines.

"Are you of opinion that the present time is a convenient time for entering into the consideration of a general arrangement of that kind, or do you think that if it were postponed for another session of parliament, parliament on the one hand, and the railway companies on the other, would stand in a better position for such an arrangement?—I cannot see that any good can arise from the delay; and I conceive that now you have the advantage of legislating for a

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great many railway companies. If the state of the money market is likely to continue as it is at the present moment for any length of time, we shall have such a variety of schemes brought forward, that without some check upon the illegitimate competition, the existing property in railways will be depreciated to a serious extent."

Mr Hudson's evidence is throughout given in the style of a man who feels that he has an advantage, and can work the public by amalgamation, and he will rather take the chances of competition than let his profits be revised by government. But he makes one extraordinary admission as to the cheapness of carriage, which we must stop to extract.

"Our anxiety to increase our dividend induces us to carry goods at 1d. a mile, and to find waggons for them; coals we are carrying at three farthings a mile, which are sold at York at 6s. a ton, and which are bought at the pit at something like 5s.

"*Sir J. Easthope.*] How many miles do you bring that coal?—About twenty-one miles on the York and North Midland railway; all the coal that travels above fifty miles is carried at three farthings a mile on the North Midland line.

"And carrying it at that low price, you still consider that it is remunerative to the railroad company?—Yes.

"*Mr Gisborne.*] At what speed do you carry it?—Ten or twelve miles an hour.

"*Lord G. Somerset.*] That is quite fast enough?—Yes.

"The coalowner would rather that his coal should travel ten miles an hour than faster?—It is better for his waggons.

"Not for the coal?—No, it does not affect the coal: he finds the waggons."

Three farthings per mile per ton, we presume, and goods, one penny per mile, including waggons. Many thanks for the admission,—and it is remunerative too! Thirteen passengers of the third class would go to the ton, closely stowed. What fraction of a penny is that per passenger per mile, Mr Hudson? We will endeavour to extract it from your calculations.

A London and Birmingham regulation load is three tons and a half; this will give in round numbers forty-six passengers. Standing up, one square foot and a half will well serve even a canny Yorkshireman. A waggon measuring six feet by twelve, or seven feet by ten, will do the work, and this, we believe, is a common waggon size. At Mr Hudson's "remunerative" price this waggon would travel the one hundred and twelve miles between London and Birmingham, carrying three tons and a half, for 1*l.* 12s. 8d. This is 8½d. per passenger. Why, a ton of passengers, who load and unload themselves, and are not subject to be stolen, should be charged a higher rate than goods, we

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cannot understand. From the following bit of Mr Hudson's evidence, we suppose it is done for the good of travellers.

"*Sir John Easthope.*] I understand you to say that you have considerable doubt whether it would improve the state of society, people travelling more?—I think it is a very good thing in its way, but like everything carried to an extreme, it is not good."

Not good for whom, Mr Hudson? We can supply the answer from your own evidence.

"I have a strong opinion that low fares are a dangerous experiment for railway companies, as regards their revenue, because they will not be compensated by the increased numbers that travel."

Not good for the railway purse, Mr Hudson? "A bird in the hand is worth two in the bush!" Quite right to look after number one; and we have a respect for you, for you also are of the "rock of the Harzgeberge" formation. No man will make a railway cheaper or better, or bring more invincible energy to the work, than you will. No hint is lost upon you, and therefore we counsel you to examine into the matter of those coal-waggons, that will not bear travelling more than twelve miles per hour. Depend upon it they are hammering your rails fearfully, and swelling the item of "maintenance of way." Ascertain how they are as regards traction. "Time is money," and when busy times come, quickness of transit will be important. An admirable "captain of industry" are you in the railway department, and an increaser of national capital; but you have a tendency to narrow your own utility, by a cramped view of the general interest. You look to the railway purse too closely. We, also, like that railway men should have "money in both pockets," but only on the score of rendering the largest amount of service to the public, and upon that point, Mr Hudson, why, we are "York too." We have looked a fire-horse in the mouth occasionally, and will not forget your dictum as to the possibility of carrying thirteen passengers one mile for one penny—rather more than three for a farthing, "at a remunerative price."

It cannot require much argument to show that railways were made for the public, and not the public for railways. The shrewder men of the paying railways, who have had a large exclusive trade, owing to the absence of competition, through the panic in the money market, understand this, and are preparing to meet the case. The London and Birmingham and Grand Junction, which were long at feud, and made the public the sufferer, have been driven to reconciliation by the "pressure from without." We quote from the 'Railway Chronicle' of July 13, 1844:—

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"A committee of both boards are to meet for mutual arrangements, and for the *reduction of rates to the public and the provision of increased accommodation.*

"The shareholders and directors of these great companies are therefore to be congratulated on this fortunate issue of their labours. As far as protection against competition is desirable, this arrangement effects the consolidation of their property; but it will still require a great and liberal reduction of their fares, and increase of public accommodation, to satisfy the increasing wants of the public, and accommodate the increasing traffic of the north. This they will find the effectual, the only sure remedy against keen competition; and they have done wisely to take the imitative step in a policy so sound."

A safe adviser is the editor of the 'Railway Chronicle.'

If there be one man better fitted than another to give a fair and unbiassed judgment, on the question of railways, between the railway owners and the public, we believe that man to be Joseph Baxendale. The grounds for our belief are as follows. In his evidence before the Select Committee Mr Baxendale says—

"I have been extensively connected with the traffic of the country for the last twenty-eight years. Immediately at the close of the wars I succeeded the brother of Mr Baron Parke (Major Parke), and took into my hands the management of the concern of Pickford and Company. . . . The single house which I represent receives nearly half a million per annum in gross freights. . . . I am a very large shareholder in the railways of this country, and chairman of the South Eastern board."

Mr Baxendale had also at one period in his hands the whole management of the London and Birmingham railway. He is, therefore, a manager of railways, a proprietor of railways, a chairman of a railway, a director, we believe, of more than one railway, and a very large customer to railways as a carrier. There can, therefore, be no question as to his competence, or any imputation of interested motive. What says Mr Baxendale before the Select Committee?

"Assuming that parliament should not lay down any general rules for fixing its policy with respect to railways, do you anticipate that there may be great injury to the interests of railway property in future years from the multiplication of competing lines?—Certainly; one feeling that I have relative to railway property has, of course, been the insecurity of that property; I have considered it lately to have become very insecure, so much so, that in speaking upon the subject, I should not think that, as a prudent man, supposing the present system to continue, I was acting according to that character if I allowed my property to remain in railways. I would much

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rather have a much more moderate income with a certainty, than the uncertainty which at present prevails in my mind with regard to railway property.

"When you speak of certainty, do you mean such an approach to certainty as compared with the present uncertainty as the circumstances will admit of?—Assuredly; I would rather abandon railway property altogether, and invest my property elsewhere, in the present state of things; but if by any parliamentary measure, railway property be rendered fairly secure as other property is, then of course the state of things would be satisfactory enough; then I should say that the public might with confidence take up railway property.

"Have you seen the paper headed 'Hypothetical Outline of Considerations which may be given to, and asked from, Railway Companies?'—I have.

"Is your general opinion favourable to schemes such as that contained in that memorandum?—Generally speaking, it is.

"You speak as a railway proprietor, interested in railways?—Decidedly.

"Can you give an opinion upon what the effect of such a scheme would be with reference to the interests of the public?—As an individual much connected with railways, I should have been exceedingly glad to have had a scheme of that kind three years ago, when the question was taken up; I think the arrangement is quite as favourable, or more favourable, to the railway interests than to those of the public. I have very strong feelings upon this subject. I may be mistaken, but I have always considered that the commerce of the country has prospered to the extent that it has done in consequence of the great freedom of communication; I have always considered that the roads of the country belonged altogether to the public, just as much as the light of heaven; I therefore have invariably said, that, leaving the whole of the roads of Great Britain as they would ultimately become in the hands of irresponsible parties, did not appear to me to be sound. I may be wrong, my ideas may be very prejudiced; but such have been the views I have always entertained.

"Your predisposition, therefore, independently of the particulars of an arrangement of this kind, is favourable to some general arrangement between railway companies and the public?—It has always been so; in fact, if my evidence were looked back to many years ago, for I have unfortunately been here very frequently, I think it will be found that at the time that I took upon myself the management of the London and Birmingham railway, I then considered that the whole of the proceedings which they were adopting were very unsound, very stringent, and very unwise for themselves, and injurious to the public. I stated so the very first time that I attended on the committee, and many alterations were made at the time, arising out of the views I then took. From that period to the present I have watched the whole of the proceedings of railways, nd I

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am convinced that if three or four of the leading railways of Great Britain—the North Midland, the Grand Junction, the London and Birmingham, and the Great Western—had taken the same view, and that a liberal view, much of the annoyance and much of the vexation now suffered both by the public and by the railway world would not have existed.

"What do you mean, in general terms, by a liberal view. Is it your opinion that those companies might, with advantage, have tried the low-fare system instead of the high-fare system upon which they have proceeded?—It does not rest simply upon the fares.

"Is that one element?—That is an element, certainly.

"That is included in the answer you have given?—Decidedly.

"With reference to what other particulars do you think their system may be called not a liberal one?—I scarcely know how to go into the question generally, but scarcely ever a day passes without hearing some complaint respecting the system. There are complaints of all kinds. I recollect perfectly well the stringent way in which horses and carriages were dealt with. I recollect that at one period complaints were made, and with great reason, respecting the way in which the public were used.

"*Lord G. Somerset.*] You mean, being obliged to sign papers?—I do. There were many measures of that kind that never would have been ventured upon in private concerns. For instance, if I, carrying on a business, knowing that if I chose to adopt a system that was harsh and stringent, people would go to my next neighbour, the knowledge that my next neighbour would adopt a different course, would keep me completely in order; but if I had the entire control, then, if I chose to adopt a harsh measure, they must submit.

"Then your abstract opinion as to the desirableness of public control over the main lines of communication for the kingdom, is confirmed by the experience which you have had of the very great power that is now reposed in the hands of the railway companies, and, to a certain extent, by the use that has been made of that power?—Certainly, looking to myself as connected with the public, I would much rather be in the hands of a Board of Control that would, according to all human probability, be kept within tolerable bounds, than be left in the power of irresponsible parties.

"Looking at the practical desirableness of securing the assent of parties, and the difficulties which a general combination of the parties interested might place in the way of any arrangement whatever, do you think it would be safe to include in any arrangement of this kind such control as you individually would think very desirable?—I should think that a measure of this kind is more likely to fail from the want of boldness than from any other cause, for I think that earlier or later all railway companies will be placed in a much worse position as it respects these powers being given at no very distant period, than they will be at the present moment, if they do not accede

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to the Board of Control and consent to anything that may reasonably be proposed, because I am sure that the millions will never rest if a few thousands are to have these great powers; and I do maintain, that when you come to see that the whole of the locomotive power of Great Britain is in the hands of 30,000 or 40,000 people (I am speaking now of the shareholders), when I look around and see that this property belongs to so small a section of the community, I always feel that the great body of the public will never rest if they have any right to complain. I feel therefore assured that railway property, and that the railway companies would themselves be materially benefited if they can make an arrangement that will be a permanent arrangement."

Well and wisely, has spoken out this clear-brained and gentle-blooded man, who can look into futurity beyond the "ignorant present," and foresee the results of injustice. And the Dover line bears witness that his thought is but the parent to his act.

"*Lord G. Somerset.*] What sort of accommodation do you afford third-class passengers?—We give them seats; we give sides above four feet high; in fact, we give such accommodation, that the number of what we term the broad-cloth is far greater than of the lower class; they find the accommodation so good, that you cannot travel along the line without discovering that class of persons there to a great extent; I must say that I, going as chairman, often by choice take my seat in a third-class carriage, if the weather is at all tolerable."*

There it is—the true sympathy with all classes. The "Good Haroun Alraschid" going forth amongst his people to watch over their well-being. Ten such chairmen would put in security the properties of the 40,000 railway shareholders. We think, however, that the following extract is very conclusive as to the evil of leaving the public to the mercy of individuals who may be good or bad, wise or unwise, mean and grasping, or generous and liberal, according to the caprice of capital which constitutes these claims.

"From the feeling that I have, that there was an original error in placing the roads to which the public have a right in the hands of private individuals, and that having become a large proprietor in

* The distinction between first, second, and third-class passengers should be regulated by actual cost. Mere shelter costs nothing, and the poorest, therefore, may claim protection from the weather. The expense of locomotion is governed by the speed, and the carriage-space required. The swiftest trains and the most luxurious accommodation may fairly be devoted to first-class passengers. For second and third-class passengers it is scarcely possible to make distinctions of speed; the practical consideration should be space. Those who are content to stand would not require more than half the number of carriages necessary for those who wish to sit. But with low fares all might sit, and third-class carriages might be dispensed with.

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those railways, I should like exceedingly to see my property in a much more secure position than I think it ever can be without some tolerably reasonable measure being carried out for the protection of the public."

A large quantity of absurdity has been talked, as to the propriety of gentlemen, and rich men, not riding in third-class carriages, in order that the companies may get good fares. The following is a manly view of the case:—

"You are not at present prepared to say how far it is certain that you will continue the system upon which you now act?—No; every railway company will look around them and see where they can get the greatest benefit. My first duty, as a good steward, is to take care and make the most for those for whom I act as steward. I cannot, therefore, act upon any feelings of my own on behalf of the public, at the cost of those for whom I am acting.

"*Lord G. Somerset.*] Has it ever struck you that it would be necessary to raise the price of the third-class fares, as a means of prohibition against persons who ought to go into a second-class carriage taking a third?—No, never; not from that motive; it was only yesterday that I was speaking upon this particular point, and I said that we have no right to judge, because a man wore a good coat and a good hat, that the man's purse was equal to pay a high or a low rate; there are many that have sufficient pride to wish to look well in the world, and who have not the wherewithal to pay very liberally."

Here comes the whole gist of the matter, as regards the question of fares:—

"Why should not the same result be produced if the same charges were made upon the London and Birmingham?—I do not know why it should not be. There is another question connected with these charges and these costs, for if, as I understand, a penny a mile even leaves the railway companies almost without profit, I cannot understand upon what principle we are enabled to carry goods so exceedingly low as we do. For instance, we carry goods at 15s. per ton, and a penny a mile per passenger will be something like 4*l.* 4s. 6d. a ton; the difference is so mighty, and the margin left must be so great as to perplex me, and I am quite lost as to the principle upon which we have been acting from the beginning. I am now getting together all the information I can; I believe the statement I have given is correct, but certainly we must be in a lamentable state in carrying the goods in the way in which we are, if third-class passengers do not answer.

"Why should not the same result arise, namely, a profit upon the London and Birmingham, or any other great railroad, charging in the same way as you charge your third-class passengers, and going at the same speed?—It ought to do so. If railway power, according

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to the statement given by the respective railway companies, is something like 1s. or 13d. or 14d. a mile, we are able to carry a certain number of tons at a certain cost, be they tons of passengers or anything else; it is a calculation that may be easily made."

Here is a case in proof of the efficacy of low fares, and a just tribute to the intelligence and energy of Captain Laws:—

"Have any of the low-fared railways in this kingdom, except the Leeds and Manchester, paid a large return for the capital?—I do not know; I think very few experiments have been tried in this country, of low fares.

"The Leeds and Manchester has tried it very largely, and it is a railway particularly calculated for the development of that description of traffic, as it runs through a district where there are a vast number of the description of passengers that travel by the third-class?—Yes.

"Is not that railway the only low-fared railway that is paying five or six per cent.?—If that railway had been handled in the way in which many railways in Great Britain have been, it would have been an entire failure. Nothing on earth but the liberal policy (for I call it a liberal policy) that was adopted by Captain Laws, prevented its being an entire failure. He saw distinctly that the population of that district was such that high fares could not be had, and he therefore, being a man of very great energy, took every possible means to bring the utmost amount of traffic to the line. Had the fares and rates of charge been high, it would have been an entire failure.

"*Mr Thorneley.*] It was a very circuitous and expensive line?—Very much so. I watched that line of railway from the commencement, and I think the proprietors are indebted to Captain Laws, and they have been exceedingly fortunate in getting such a man to take it in hand, for I think there is not a man in a million that would have effected what he has effected."

The following is confirmation of the inference we draw from Mr Hudson's statement, of the expense of goods transit:—

"You state that you cannot understand the distinction that is made between the prices at which goods are carried and passengers; do not the passengers, even of the third class, require greater space, and seats, with much greater accommodation?—I think that, comparing a truck containing goods and a truck containing passengers, the goods would be more costly and more expensive than the passengers, because the passengers come, and there is no packing them, they take their places; and when they go out, they go about their business instantly; they walk in and walk out. The carriages are more injured by goods and more knocked about than they are by passengers: and I think, looking at the question fairly, the difference is rather on the side of the goods truck than the passengers.

"Have you ever instituted any comparison between the weight of

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a third-class carriage with passengers and a truck of goods?—I do not know what number of passengers are put into the third-class trucks, because there is a great difference in the way of packing them; but if you were to take them by the ton weight, and give so much to a ton, you would at once see what it came to.

"Goods do not abstract passengers from any other carriage, as the third-class carriages do?—No; that certainly is quite clear.

"*Mr Greene.*] In calculating the cost of the carriage of each class to the company, how do you determine the proportion of cost of each class; the proportions that you have stated of the several classes are five-eighths of a penny, two-eighths, and one-eighth?—Looking at the cost of the carriages and the charges paid.

"Of course the wear and tear of the rails, and the cost of locomotive power, and things of that sort, are equally the same to all?—The cost of the rails has nothing to do with it; this is independent of the cost of the rails.

"The locomotive power would be the same to all?—It would.

"*Mr Gisborne.*] Is not the number of passengers much greater that is carried in a third-class carriage than in a first-class carriage, as compared with the space?—Yes.

"*Mr Denison.*] Would you not carry three or four times as many third-class passengers for the same weight as you would first-class passengers?—I think you would, generally."

Mr Baxendale thinks that a secure 8 per cent. for the capital is sufficient.

"Looking at the minimum dividend at which it is contemplated that railways should become liable to revision, do you think it would be equitable, considering that the parties who have constructed railways have in a great many instances suffered heavy losses, and that they have in all instances risked their own capital without any guarantee of return on the part of the public, that the principle should be adopted that no right of revision whatever should apply till a liberal dividend upon the capital laid out should have been paid for a considerable number of years?—Certainly.

"Can you state what standard you would fix as the lowest standard at which the right of revision might fairly come into operation?—I think that the railway proprietors, having run very great risks, there ought to be a very liberal margin allowed to them.

"What do you say, 6 per cent., or 7 per cent., or 8 per cent.?—I think 6 per cent. is very much too low.

"Are you prepared to state what you would think the proper amount?—No.

"What would you say to 8 per cent.?—I think you are getting to a much more reasonable point at 8 per cent.; *I dare not say more than that.*"

The case between the railways and the public is very fairly stated in the following evidence:—

"*Chairman.*] That question appears to assume some great change

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in the means of working of railways, and that it would not be possible for the London and Birmingham to avail itself of that change for economising its working?—Yes; the London and Birmingham has cost 50,000*l.* a mile, and it is probable that a line might be made at a very reduced cost, probably at 20,000*l.* a mile; a thing of that kind would be ruinous to the property embarked in the London and Birmingham.

"*Mr B. Denison.*] Suppose they could work it at a greatly reduced rate of expense, and they were to come to parliament and to say, 'Instead of charging 3d. a mile, we shall be content with 1½d. a mile;' would not that be a formidable competition to the London and Birmingham, which they would submit to any reasonable terms rather than incur?—Yes; and it is from a feeling of that kind that I have so earnestly pressed upon the attention of the railway companies to take advantage of the present opportunity of making a satisfactory arrangement.

"You stated that you conceive it possible that a new line may be made for a much less sum of money per mile than the existing railways have cost; is it at all unreasonable to suppose that some new system of working the line may be introduced in the course of the next twenty years, which may not cost the proprietors one quarter the present amount?—Certainly.

"It is not unreasonable to suppose that in the next ten or fifteen years a new company may start up and offer to carry the public at one half the rate they now pay?—Not at all.

"*Mr Gisborne.*] Will you put yourself in the situation of a member of parliament, and say, if a company came to parliament and said, 'We are prepared to give equal accommodation which the other company now give, charging half what they charge,' what you would think your duty as a member of parliament would be, under those circumstances?—My duty would be to satisfy myself, first, that there was reasonable ground for imagining that they could carry the measure into effect, and that they could afford to do it, and that they were not doing that which has been done from the beginning, namely, throwing dust in the eyes of the legislature; if I saw clearly that their proposition was a sound and honest and fair proposition, and could be carried out, I should say it was my duty to support a measure of that kind for the general benefit of the public.

"Then you would go to the London and Birmingham, and say, If you do not agree to what we think would be reasonable for the public, we must grant this new line, with the limitations which they propose to take?—Yes; parliament would not break faith with the London and Birmingham company; they did not, when they made the bargain with the London and Birmingham, stipulate that there was to be no competing line; they took their chance of that competing line, and therefore there they are."

Mr Wilkinson, the shrewd anti-monopoly chairman of the Croydon, thus speaks of the London and Birmingham:—

"If parliament did not introduce such a limitation of charge, and a

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new company were formed to carry traffic from London to Birmingham, or from Birmingham to Liverpool, do not you think that the effect must be sooner or later, and in all probability very soon, that the two companies would combine against the public?—That I think would depend a good deal upon the fares. At present the charge by railway between London and Birmingham is so high, that it might, perhaps, be capable of proof that diminished fares might increase the traffic so much as to render it more profitable. I do not say that it is so; but if it were capable of proof, that the lowering of the fares to one-third would double the traffic, I apprehend a competing line in that case would benefit the public, and the public being carried at low fares, the company would realize much greater profits than they could realize at higher fares.

"You proceed upon the principle which you maintain, that the reduction of fares would increase the traffic?—Yes.

"Suppose the London and Birmingham company refused to lower its fares?—I say that public advantage should be the rule in such a case; the company have made a compact with the legislature, for the purpose, to a certain extent, of accommodating the public; and I consider that the company are bound to accommodate the public to as great an extent as their own interest will admit of; therefore, if it can be shown that the London and Birmingham company can make a larger net income by charging a lower rate of fares, then I say that the legislature has a right to demand that they shall charge the lower fares; but that must be proved.

"But suppose the London and Birmingham company is receiving an enormous profit, and is keeping up high fares, do you conceive that the legislature has made any compact with the railway company, under such circumstances, as shall absolutely preclude them from sanctioning the establishment of a rival and competing railway, by which the public shall be essentially benefited?—Certainly not; I consider that parliament have a right to demand that the Birmingham railway company shall carry the public at such fares as shall be most for the convenience of the public, the Birmingham interest being understood."

The case of the public and the railway owners will perhaps be better understood, if we present it in the form of a private dialogue between their respective representatives:—

DIRECTOR.—And you still have a hankering after this railway spoliation bill?

BOARD OF TRADE.—No such thing as spoliation. We shall leave you alone. You and your bodies corporate have full possession and enjoyment of your existing lines.

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DIRECTOR.—Possession, I grant you, but small enjoyment, if you are to let loose competition upon us.

BOARD OF TRADE.—Competition was your original bargain. The state did not contemplate that you would be more than road owners, with freedom to all to compete for the traffic thereon.

DIRECTOR.—Then the state should have better provided for the competition. We have a legal right to our advantage.

BOARD OF TRADE.—But not an equitable one. The state has, on the part of the public, both a legal and equitable right to interfere, to procure in some other mode the competition it has hitherto failed to effect.

DIRECTOR.—But the public has been well served. Compare railway transit with the old system of highways.

BOARD OF TRADE.—True. But you are still much further behind the improvement the public may yet look forward to, than all the difference between the old coach system and the present railway system. The old coach owners would have prevented your advance, and now you try to prevent the advance of all who would go beyond you. You are virtually monopolists, and are arresting public progress, from a narrow view of your own interests.

DIRECTOR.—We are at least enterprising men, which is more than can be said for the government. But for us, you would have had no railroads.

BOARD OF TRADE.—That is to say, you are commercial men, and embark your capital where you think it will yield a good per centage.

DIRECTOR.—And we have not calculated well. Take the whole of the railways, and they will not show an income of more than 5 per cent. Is that enough?

BOARD OF TRADE.—Because you are corporate bodies, and do not work your business with the same care that private people do. And, being monopolists, you suffer under the evil of all monopolists. You are self-destroyers.

DIRECTOR.—But my line pays 10 per cent.

BOARD OF TRADE.—And would pay much more if better managed. People *must* travel on a business line, and you, being satisfied with that, do not try to increase the number. There is another reason too why your revenue will go on increasing. *As a general principle, traffic doubles itself every fifteen years.* Therefore, if you could preserve your present monopoly, your revenue must infallibly be doubled without any effort.

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DIRECTOR.—But what specific complaint have you against us?

BOARD OF TRADE.—That you are inert as to all improvement, and only studious to preserve your monopoly.

DIRECTOR.—But it would be worse in the hands of the state.

BOARD OF TRADE.—That might be, but it is no answer to the public. If the state be too inert to do the public work itself, there is no reason why it should delegate that duty to others only a little less inert.

DIRECTOR.—But to come to particulars. How is the public endamaged by us?

BOARD OF TRADE.—You are like the "dog in the manger." You will not do the work yourselves, and you will take all imaginable pains to prevent others doing it. You purse your cash every dividend day, and are never on the alert, save when there is a talk of the possibility of a rival line. You then spend more money in opposition, than would enable you to reduce your fares with advantage to the public, and set competition at defiance.

DIRECTOR.—But still I say, come to particulars! How is the public specifically endamaged.

BOARD OF TRADE.—You carry one person where you might carry three or four, or perhaps ten, and reap the same amount of profit.

DIRECTOR.—That is not certain. If the experiment did not answer, we must lower our dividend. We risk the certain for the uncertain.

BOARD OF TRADE.—Where is the spirit and enterprise for which you take so much credit? You embarked your capital at what you thought a great risk, in the hope of making 10 per cent. instead of 3 per cent. You must now exert the same spirit for the sake of retaining the 10 per cent. instead of seeing it reduced to 3 per cent. Do you expect to retain a 10 per cent. business in the form of a certain investment, without skill or intellect, at a time when spare capital in abundance is going about seeking employment? You would take the large risk for the sake of getting the 10 per cent., and yet hesitate to take the small risk, for the purpose of keeping it, while you are exposed to the constant risk of competition cutting you down to 5 per cent.

DIRECTOR.—But if we were to make a reduction in fares

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the public would only regard it as an instalment for some future reduction, giving us continual trouble.

BOARD OF TRADE.—The public will continue to complain, so long as the whole roads of a community of thirty millions, are in the hands of 40,000 shareholders without control—one person holding in his hands the power to give or withhold locomotion to seventy-five, at his pleasure.

DIRECTOR.—You do not think 10 per cent. too high a profit?

BOARD OF TRADE.—Not high enough as a *profit*, but very far too high as an *investment*, in a rapidly rising property. We should prefer your getting 20 per cent. by the best possible service to the public, to even 5 per cent. on the present terms. The public do not grudge the profits; they are simply indignant at being debarred from travelling, because it suits your convenience to maintain a narrow path instead of a broad one; and if you continue to impede them much longer, they will sweep you and your vested interests away altogether. It is a dangerous thing for one person, not even protected by law, to endeavour to maintain a grievous injustice against seventy-five of his fellows.

DIRECTOR.—Well! after all, it is a matter of pecuniary calculation. If the traffic will double itself in fifteen years, it will perhaps be better to allow a competition line to be made, and then buy it up, or coalesce with it.

BOARD OF TRADE.—Yes, we understand that, from the old highway practice. But we think it will puzzle you to defeat the competition system we propose to adopt.

DIRECTOR.—What! a government line. That will certainly not be better conducted than ours.

BOARD OF TRADE.—If it were not, still, working without profit, the public would be carried very cheap. But we are grown wiser than of yore. We only propose to originate a new system, not to work it. We will endeavour to make it self-acting.

DIRECTOR.—I should like to have your plan.

BOARD OF TRADE.—We will get an act to make a new line of railway, taking your two termini, and by a rather better route. By the improvement in the standing orders, and various other causes, we shall get our land at its fair value, and with a very moderate expense in other ways. We shall then issue a premium for the best and cheapest designs for stations

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and buildings, and put the matter up to contract, with the levelling and earthwork, amongst those responsible persons who will undertake to deliver the whole completed. Meanwhile we shall offer adequate premiums for the most efficient and economical moving power, and also for machines of the least resistance to traction. We will set free the whole cramped faculties of the scheming tribes, who have been benumbed by your inertness. Having practically obtained the best results, we shall proceed to work in the following manner. We shall offer by tender amongst the capitalists, the supply of the money for the making of the line, and all fixed plant; the money to be sunk in consideration of a certain interest for a certain number of years, the payment guaranteed by the state. In the present state of capital we think we should be able to procure the advances at 8 per cent. for twenty years. We should then put the working of the line up to tender to capitalists, to provide plant, and work it for seven years, specifying the various classes of carriages and waggons, &c. At the end of the seven years the stock to be valued, and a contract entered into by tender for another seven years or less. By these means we shall get passengers and goods carried at the lowest possible cost, consistent with a remunerating profit to the contractors, and at the end of twenty years we shall have a freehold railway, on which the public may be carried for ever after, at the mere cost of keeping in repair.

DIRECTOR.—And do you think you will find responsible people who will work it in this way, as well and as safely as we have done ours?

BOARD OF TRADE.—Why not? Responsible parties offered to pay the Northern and Eastern an annual 5 per cent. on all their outlay, including waste, and expected, after doing this, to make 12 per cent. per annum for themselves. And the Northern and Eastern is by no means a favourable sample of railways.

DIRECTOR.—And you really think that you, a department of government, could make a railway cheaper than private individuals?

BOARD OF TRADE.—Undoubtedly. It is a known fact that contractors will work cheaper for government than for private individuals.

DIRECTOR.—But the waste, the jobbing?

BOARD OF TRADE.—Bah! We know all about that. Companies jobbing is worse than government jobbing.

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DIRECTOR.—But the patronage? the political manœuvring?

BOARD OF TRADE.—You hit hard there; but we shall be free from that. There can be no favour in a *bonâ fide* public tender.

DIRECTOR.—And how much cheaper than ourselves do you think you will be enabled to carry?

BOARD OF TRADE.—We will enter into that question. Your line of one hundred miles has cost you in round numbers 50,000*l.* per mile, or five millions. Ours will not cost us more than 20,000*l.* per mile, or two millions. We can borrow the money, guaranteed by the state, at 3½, or say outside, 4 per cent. You have, therefore, to begin with earning 180,000*l.* per annum, to put yourself on a level with us. Your cost per ton of gross load is, in round numbers, 2s. per hundred miles for goods, and available, or net load, 4s. There is margin enough in mechanical improvements to save 25 per cent. on this, which will reduce the expense to 3s. per ton., or 10s. 6d. for a 3½ ton waggon, which will convey forty-six passengers standing: 100 per cent. on this will, we think, pay a contractor very handsomely for repairs of road, expenses, and profits, so that forty-six passengers can be conveyed one hundred miles for 21s., say roundly, at 6d. per head, with a profit to the contractor, each occupying one foot and a half of space. This, therefore, may form our unit of calculation. A seated passenger will occupy double the space, or twenty-three, or say twenty-four to a carriage. Therefore the fare of a seated passenger, occupying three feet, would be, say 1s. 6d. for one hundred miles. The fare of a passenger occupying six feet would be, say 3s. per one hundred miles. We may call it at a rough average 2s. 6d. per passenger, per one hundred miles. To earn the 80,000*l.*, 4 per cent. interest on capital would require one million six hundred thousand, at 1s. per head, or about double the number you at present carry. Therefore the statement will be thus:—

Third-class, standing, 1s. 6d. per 100 miles.
Second-class, seated, say 2s. 6d. „

And you may charge the first class if you like, on additional speed, say 7s., and with regard to his accommodation, if he prefers an apartment to himself of twelve square feet, 13s., and so on in proportion, till a rich man might engage a whole carriage as parlour and bed room; but upon this showing the standing passengers would still be the best freight.

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DIRECTOR.—But it would not answer your purpose, for we should bring down our fares, and take half the passengers.

BOARD OF TRADE.—But you must build new and convenient stock, and get all the newest improvements, which would be against you. Our impression is, that with such low fares, travellers would so multiply, that the number would be six-fold at least.

DIRECTOR.—But still there would be the disadvantage of having two lines at 70,000*l.* per mile, instead of one at 60,000*l.* which might do all the work.

BOARD OF TRADE.—We think two lines of main transit would be no disadvantage. They would prevent confusion and much risk.

DIRECTOR.—But you have the evidence of Mr Baxendale and Captain Laws, that the present railways could carry sixty times their present traffic.

BOARD OF TRADE.—But the public care nothing for that, so long as they are virtually shut up by high prices, as, for example, the Greenwich.

DIRECTOR.—But to return to our line. What can we do to get out of the difficulty? We have expended our capital, and would you now have us sacrifice it?

BOARD OF TRADE.—You are a man of business, like your neighbour the cotton-spinner. He built a mill which cost him 100,000*l.*, and calculated the interest of that in his profits on his goods. His neighbour built a better mill, which cost only 50,000*l.* Like a wise man the first one immediately wrote 50,000*l.* off his capital account, as money sunk and wasted—gone.

DIRECTOR.—And you would have us write off 300,000*l.*! from our capital account, as if a railroad were like a cotton-mill?

BOARD OF TRADE.—Undoubtedly. Where is the difference? The value of a cotton-mill and of a railway, is just what they will respectively fetch in the market. If you bought iron at 14*l.* per ton, which can be now had for 6*l.*, you calculated on getting paid for it at that price; or if not, you should have waited. Captain Laws and Mr Wilkinson will tell you that the cost of a railway has nothing to do with the question, when competition commences, "whether it has cost 5,000*l.* or 100,000*l.* per mile."

DIRECTOR.—And you, a member of the government, coolly tell me that this competition you will let loose upon us,

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and destroy our property, to the value of 3,000,000*l*. The public will never, I think, sanction such wanton spoliation.

BOARD OF TRADE.—Hush! hush! keep the public out of hearing, or they'll have no mercy. They will retort on you your avaricious cruelty, in only permitting them to make one journey where they might have made eight; the third-class people will mob you for your tyrannous maltreatment, and the rich will put you in mind how you needlessly made them change carriages, and put them to inconvenience. You will have very few friends when the story gets wind. Seventy-five to one against you.

DIRECTOR.—I wish Jonathan had not repudiated, or that China was developed, or anything that would keep these unquiet capitalists out of the market.

BOARD OF TRADE.—That is to say, you wish you had free trade to give employment to capital. We should be very glad of it also.

DIRECTOR.—And you mean to put this in practice? I shall sell out, for when this comes to be known prices will go down to par.

BOARD OF TRADE.—Being at present 150 per cent. above par, the monopoly value.

DIRECTOR.—But are there no means of preventing this competition? I scarcely think you are in earnest. We have amalgamated the lines, and could defeat you, except on your own proposed line. Besides, our parliamentary interest is strong.

BOARD OF TRADE.—But we should have the public, and above all, *justice*, on our side. We should make a second line, and a third, and fourth, and so on, upon the same plan. But I think the first would be enough.

DIRECTOR.—But can we not prevent the necessity for it?

BOARD OF TRADE.—Oh, yes. Do it yourselves!

DIRECTOR.—What! make a competing line?

BOARD OF TRADE.—No! Do on your own line all that we want on the competing line.

DIRECTOR.—What! write off three millions of capital as wasted?

BOARD OF TRADE.—Why not? If it be wasted.

DIRECTOR.—Your arguments seem all very fair. But nevertheless there would, I think, be a positive injustice in your mode of procedure.

BOARD OF TRADE.—We shall be glad to have it pointed out.

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DIRECTOR.—The legislature, by their disregard of our interests, placed us in a bad position at the outset. Not having fair protection afforded to us, we were put to great expenses for law and acts of parliament, and left to be plundered without mercy by landowners. Moreover, we have borne the brunt of the experiment; our mistakes, and the knowledge gleaned thereby, have given you the opportunity of doing better. Is it right that the state should now take advantage of their own wrong-doing to profit at our expense?

BOARD OF TRADE.—We might retort upon you on the part of the public, in the spirit of your own answer, when we wished for some competition on your lines. "Run competition trains—if you can; we are not bound to give you either station-room, fuel, or water." We might reply in this spirit: "You have also your full legal bargain, and we will provide not only our station-room, fuel, and water, but also our own rails, as we have a legal right to do. You have no patent right to railways." We should have many backers in giving you this answer. But two wrongs do not make one right, and the worst possible policy for a state would be to act immorally. They who make the laws should be swayed only by the principles of eternal justice. They should have known, that to trust a corporate body with irresponsible power involved the certainty of its abuse, whenever that body might conceive that their own interests lay in a different direction to that of the public. And so far they are to be treated as wilful children. We answer you fairly, that we think you have an equitable claim to a liberal consideration. In the first place, in the case of lines of direct competition, you are entitled to be compensated for all your losses in law, in parliamentary expenses, and in excessive cost in land. You are entitled, also, to some consideration for the experiment you have made, and the extra expenses you have incurred therein, thereby teaching the nation how to make railways cheaply. But it is for the state to decide in what form that compensation shall take place, and with the least detriment to the public. As for giving you an irresponsible monopoly by way of compensation for what you call your enterprise, that would be mischievous in the extreme.

DIRECTOR.—That is a liberal mode of viewing the question. But in what mode would you compensate us?

BOARD OF TRADE.—Why, in a direct payment, if no better means could be found. The state paid twenty millions as a compensation for the extinction of negro slavery, without any pecuniary equivalent to the nation, and it would be better to pay you off, than suffer its inland transit to be impeded.

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DIRECTOR.—Ah! now I see it. The state wishes to have the railways to itself, as a snug source of patronage.

BOARD OF TRADE.—What might be agreeable to individuals of the present government, or of any future government, we need not discuss. But the province of the Board of Trade is to control, not to manage, railways. Having the management, they would be responsible for accidents, and be regarded invidiously by the public. Having only the control, as the advocates and protectors of the public, their position would be a popular one. To ensure free competition to the utmost limit of safety, and to remove all impediments to improvement, so that land transit may be as free as water transit, is our great aim and object.

DIRECTOR.—But would not the government prefer leaving us our monopoly to making us compensation?

BOARD OF TRADE.—As you before remarked, "It is a matter of pecuniary calculation." The independent railway companies have expended sixty millions in making 1,750 miles of railway. For sixty millions the state could now make 3,000 miles of railway, which, at 4 per cent., would be a charge of just 2,400,000*l.* per annum, to make the whole of the 3,000 miles of railway free to the public, excepting repairs. To pay the interest on this would require 800,000 passengers carried the whole distance, at 1s. per head for 100 miles, and about 135,000 tons of goods carried the whole distance at 6s. per ton for every 100 miles. That is, about six times the number of miles traversed by passengers at present, and we find from the report of the Select Committee, that the actual receipts from goods, cattle, and parcels, in the year 1842, amounted to 1,690,000*l.* Now you want 10 per cent. on the total capital for 1,750 miles, or 60,000,000*l.*, the real value at present prices, being only 35,000,000*l.* instead of 60,000,000*l.* If, therefore, we were to pay you off your 25,000,000*l.* waste, we should save the community upwards of a million and a half per annum, and put the public in possession of free competition.

DIRECTOR.—Do you think the public would pay us that?

BOARD OF TRADE.—They might possibly make a compromise, rather than give you 10 per cent. for twenty years, which case we put hypothetically to you.

DIRECTOR.—But, after that, you would need no competition line.

BOARD OF TRADE.—Not if you consented to rate the interest of your capital, in line and fixed plant, at about 4 or 5 per cent. and left the carrying trade open to competition.

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DIRECTOR.—But we can never consent to that; and it would be very irksome to us to have the Board of Trade continually dictating to us.

BOARD OF TRADE.—That you must submit to. You behaved very scurvily to the recommendations of the Board; therefore must their future recommendations on behalf of the public become law.

DIRECTOR.—But, on your showing, I do not see any advantage the shareholders will get by our having made the railways.

BOARD OF TRADE.—Perhaps not. But it is probable many of them will be glad to find their investments made secure. And the public certainly has no great advantage in being made to pay twenty-five millions for knowledge, that with due care, might probably have been gained at the cost of four or five, or perhaps one.

DIRECTOR.—Well, I almost think it would be better for us to take the chanc of competition.

BOARD OF TRADE.—You are free to choose. Your lines are inviolable without your own consent. If the competition lines come in, twenty-five millions will at once be swept from your account, without any compensation. If you choose to disregard the public convenience, the public are not bound to regard yours, and on no showing can the public be debarred from transit, as free and cheap as competition can give it them. Your present average charges to passengers are 20s. per 100 miles, which by the free system will be reduced to 2s. 6d.; *i. e.*, 800,000 may be carried for the same sum total at which you now carry 100,000.

DIRECTOR.—I doubt the accuracy of your calculation.

BOARD OF TRADE.—They are taken from railway statistics. They are merely a rough average, but we believe that the actual cost will be below the calculations. There is full 25 per cent. to be made in carrying profits. In fact, the real cost of transit is as much below what the public at present pay, as the difference between a real flesh and blood Spinning Jenny, and the mechanic imitation of her. Nothing but the unforeseen monopoly has retarded progress in development.

DIRECTOR.—And what is your advice as to the course we shall take?

BOARD OF TRADE.—First of all, disabuse yourself of the idea that we want to get possession of your railways for political purposes.

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DIRECTOR.—How can I think otherwise, when I find a clause in your projected act, empowering you to take possession of any line, at twenty-one years' purchase, on the average profits of the last three years?

BOARD OF TRADE.—Any new line, but not existing ones, without the owners' consent. The meaning of the clause is obvious. For the protection of the public itis proposed to limit the profits, or dividends, of the line to 10 per cent. To evade this, the nominal dividends will be 10 per cent. or under, and perhaps 20 per cent. more will be divided in other ways, new shares, perquisites, salaries, &c., and no small quantity wasted. The option of purchase by government, with power to put the line up to public contract, would prevent this.

DIRECTOR.—You hedge us round in all ways; but now for your advice as to our present course.

BOARD OF TRADE.—Cut down your fares to one-half at once, and show the public that you are in earnest. You will thus make an instant reaction in your favour.

DIRECTOR.—But our revenue?

BOARD OF TRADE.—You will carry, almost immediately, double the numbers.

DIRECTOR.—But we are not yet prepared with carriages.

BOARD OF TRADE.—Oh yes! you are. Do with your carriages as the publican of old was recommended to do with his measures—fill them. They will bear at least double.

DIRECTOR.—And you think this will leave us in freedom?

BOARD OF TRADE.—Undoubtedly! for a considerable time. We know that if we let loose upon you competing lines, they will be some time coming into operation, and such an agreement on your part would stop our procedure. But if you resist till we commence, it will be too late for you to regain the false step. Do not imagine you can continue long to throw dust in the eyes of the public, and make them submit to your extortion by crying out, "Wolf! government monopoly!" You are not the champions of the public really, and every day will make it clearer. The choice bits of the Report of the Select Committee on Railways will circulate after awhile in cheap publications, over the length and breadth of the land, and every man engaged in manufactures, commerce, and agriculture, will find out what is the amount of impediment you present to his operations.

DIRECTOR.—And do you think that, after we make the move, we can really calculate on the safe enjoyment of 10 per cent.?

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BOARD OF TRADE.—We believe that by good management you may for a long time realize 30 per cent., and we counsel you to employ a large part in writing off wasted capital from your account, while you can keep up the price. But you must be ever on the alert to disarm opposition by lowering prices as competition threatens. We believe that no competitors, in good times, will be content with less than 15 to 20 per cent., in a business of skill and capital combined. But remember that this 20 per cent. can only be on the competitive working of the line, not in the dead capital sunk in the road. The value of that will vary with other freehold property. If you are wise enough to disarm opposition by fairly meeting the case, your road will increase in value by the buildings and manufactories that will congregate to it, and the rent of it may be worth 5, 10, or more per cent. as a fixed investment, as it will be surrounded by a host of friends interested in its prosperity. Keep up your suicidal prices, and you will "kill your goose for the sake of the golden egg." Your line will be grass grown, and be christened in future times, the "Railway folly!"

DIRECTOR.—And you profess to be our friends in proposing to us these stringent terms?

BOARD OF TRADE.—We will be judged by any intelligent and disinterested mercantile man breathing.

DIRECTOR (musing).—After seven years, to have our own rails thrown open to competition; to have our own secretaries, managers, and engineers, turning round on us, in partnership, probably, with individual members of our boards, proffering to carry the public more cheaply than we do, prompted by self-interest and incomes increasing with their exertions; to have the Board of Trade the paramount authority; to have no patronage, no places, at our disposal, nothing for our poor relatives, nothing for old servants, no power of giving snug private orders to our friends; pride, pomp, circumstance, reputation, authority, all—all gone; our talk about skill, and enterprise, and patriotism, all hushed; the whole world believing that our own ends, and not our shareholders' advantages, were the mainspring of our actions, and nothing left us of all this but perhaps a miserable 7 or 8 per cent. on our property, in common with the meanest holder of a single share; and this is a nation's gratitude to the men who have brought railways to their present palmy state!

BOARD OF TRADE.—Not yet palmy. There is no doubt a most promising show of buds, which we think will have a much fairer chance of blossoming in the open air than in your conservatory. At all hazards, we mean to try them.

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DIRECTOR.—And then to move them to your own conservatory?

BOARD OF TRADE.—No! You got the monopoly while the public was hoodwinked. It will be strange indeed if it suffers a government monopoly when its eyes are opened. When the traffic is very great it will be as well to have duplicate lines side by side, *i.e.*, four sets of rails, putting them up to, say a six years' contract, one every three years would produce admirable management, and the minimum fares.

DIRECTOR.—And do you not fear that this excessive cheap travelling may produce evil in unsettling people's habits?

BOARD OF TRADE.—Just the contrary. The greatest unsettler of people's habits is want of regular employment. Facility of moving from place to place will increase the amount of employment by promoting a free circulation of labour. People will travel one hundred miles to the scene of their week's work, and return home on the Saturday afternoon as easily as they now do five or ten. Town mechanics will become farm labourers in harvest time, for the sake of changing country air. Manures will be carried from towns to country places at present not dreamed of. The dens and "rookeries" of great towns will be deserted on account of the facility of getting ten miles away at night, and returning in the morning. Country residences will cease to be the peculiar advantage of the wealthy. Market places of greater or less size will grow up around railway stations as towns have grown up around sea and river ports and canals. Manufactories will be built in streets along lines of railway, and their advantages will render it essential to carry lines of railway along the streets of existing manufacturing towns, in order to put them on equal terms. Very small indeed is the development of what railways have yet to come to, and very suicidal is the conduct of those who, by needlessly high charges, frighten traffic away from their lines and promote the construction of rival lines. Remove your impediments to traffic, and your business railways will ultimately become continuous suburbs from town to town. Continue the impediments, and they will become for a long period abandoned, grass-grown lines. Their only safety would be in the opposition lines, ultimately forcing on them a more liberal system, as the Bricklayers' Arms branch will be the ultimate salvation of the Greenwich. Were the owners of a railway to be successful in procuring a monopoly, and keeping all other railways at a sufficient distance from them, to suit their ideas of freedom from competition, we are satisfied that in a very few years that district would become remarkable for its stagnant condition, as compared with the surrounding neighbourhood.

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DIRECTOR.—Then you think our railways will pay us better by becoming lines of streets, in consequence of the lowest possible fares, than in any other way.

BOARD OF TRADE.—We do. And that if you impede your railways from this cheapness, they will become excluded from the general system of communication which will sooner or later obtain. No one will build, or improve, subject to your high prices, or even to low ones at your caprice, to be raised at your pleasure. The plate-glass shop-fronts of Regent street are induced by a sure and certain tenure, and a sure and certain tenure of years must be the inducement to build on railway lines. High prices or uncertain fares are alike detrimental. Districts of miserable houses usually denote high rents and uncertain tenure.

DIRECTOR (*aside*).—I think he is right, but a "bird in the hand is worth two in the bush." Our policy is to temporise, and play fast and loose with the government, and so gain as much time as possible. We will try the experiment slowly and safely by lowering the fares about five per cent. at first. That will be a tub to the whale. We have managed to overlay the atmospheric very dexterously, in Ireland, for a time, and if we could but keep down that restless anti-monopoly man Wilkinson, with his Epsom line and projected London terminus, we could afford to let the French go on with the system, and sneer them down in John Bull's estimation long enough to answer our purpose. If he carries the atmospheric on to a prosperous conclusion it will turn the scale against us, and it is not unlikely he may become a competitor with us for working even our own line. I wish people would "let well alone." (*Exeunt.*)

To return from railroad administration to more mechanical questions of railroad improvement, we would say a few words upon the practicability of forming, in the metropolis, a common centre, or radiating point, for all the great leading lines; an object of no trifling importance.

The most obviously desirable position for such a centre is the Post office, the fountain head of communication. And close to the Post office we find a large spot of ground devoted to the purpose of a great public nuisance—a cattle market: we allude to Smithfield. The objection to getting rid of this cattle nuisance would be removed by a plan which would make the ground more valuable, viz., a central railway terminus, common to all the lines. And the communication need not be a locomotive line. A horse railway would answer the purpose till such time as the atmospheric principle could be put in action, and the rails might be laid on a plan we have not yet seen adopted, so as not to interfere with ordinary traffic. The old tram rail was on the

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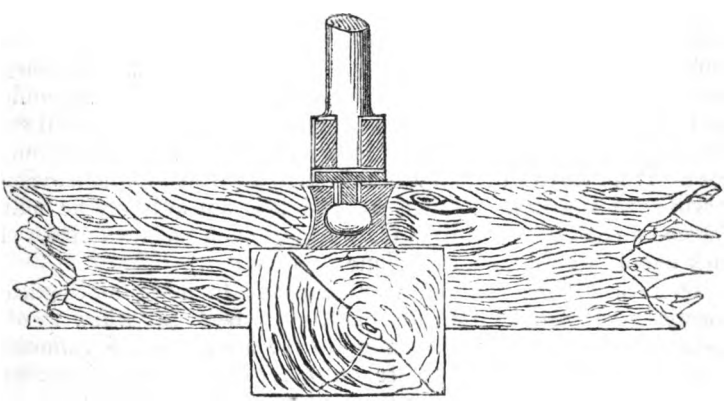
level of the ground, with vertical ledges standing up, to keep the vehicles in track. The modern rail stands up above the ground with projecting ledges all round the wheels to keep the tracks. It would be a very practicable thing to lay down in wood pavement, even with the surface, flat rails with a central groove of considerable depth; the wheel tyres to have central flanges corresponding to this groove, in order to keep the tracks. These rails would be similar in appearance to the iron gutters laid in side pavements, level with the surface. In this mode the rails would not impede ordinary traffic. The pressure of the wheel flanges would, with very little care in occasionally hanging a scraper in front of the wheels, suffice to keep the grooves clear of dirt. On such a line of rails there would be no noise. One horse would be sufficient to draw a six wheel omnibus with a very large number of passengers, either end foremost, on such a line, at ten miles per hour.



One of these horse trams, leaving the Great Western station at Paddington, might pass across the Edgeware road and down the New road, to be joined by the London and Birmingham tram near Euston square. A wooden viaduct would carry it over the King's Cross dip, into Gray's Inn lane, and so on across the rookeries of Clerkenwell to Smithfield. A second tram might leave the Eastern Counties station at Shoreditch, and, cutting an opening through the rookeries, across the Curtain road, might pass along the west side of Finsbury square, down Chiswell street and through Barbican, to the same spot. A third might leave

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the Vauxhall terminus of the South Western railway, and pass either by the present line or by a new straight cut, to the obelisk in St George's fields, and hence to the Blackfriars road, there to be joined by the trams from the London bridge and Bricklayers Arms stations, and so on across Blackfriars bridge and along Farringdon street, or along the Old Bailey, to Smithfield. Or a light suspension bridge might be thrown across the Thames from Gravel lane to Puddle dock, in a direct line to Smithfield, thus leaving Blackfriars bridge untouched for ordinary traffic. The greater part of these routes are wide streets and roads, where the proposed rails could be laid without interfering with the ordinary traffic, and most of the other portions are through districts which would be made more valuable by opening them up. A similar tram being laid from the court yard of the Post office to the centre of the terminus, the whole communication would be complete. And as fast as arrangements could be made to bridge over, or tunnel under, such public thoroughfares as might intersect the lines inconveniently, the atmospheric traction might be applied to the same vehicles. And we apprehend this same system would be rapidly carried out on all the main lines of traffic out of London, in short, on all those lines that are found advantageous for omnibuses. The difference of traction would be so great, the vehicles would increase so much in size, that the present sixpenny fares would dwindle down to twopence, and the system of dawdling would be destroyed, by a thorough regulation of arrivals and departures. The short post delivery would be cheapened to a great extent, and gradually, such a system of rails would pervade all streets of much traffic, getting rid of dirt, wear, noise, and horses slipping. And for the first time it would become a practicable thing to have an economic public street carriage with two separate portions,—one for the working classes in their working clothes, and the other for the working classes in their holiday clothes, when on equal terms with the leisure classes. Such a system of urban and suburban transit would be equivalent to doubling the size of towns, bringing the outskirts within rapid reach of the centre. The present omnibus is a blessing to the community, but we trust ere long to see the day that it will be laid aside as antiquated lumber of a bygone time, when the science of transit was but just outgrowing its infancy. Such a system of tram rails would have the effect of removing manufacturers from the interior of towns, to the flat exterior districts, which seem almost set apart for such purposes. The neighbourhoods of Chelsea, Battersea, South Lambeth, Deptford, Rotherhithe, Bow Common, the Isle of Dogs, the Plaistow level, and similar spots, once intersected with efficient tramroads, would infallibly draw to them the greater part of the manufac-

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turers now engaged in the heart of the town in producing smoke and other nuisances, prejudicial to the health of the wealthy. We trust that some enterprising men, alive to their own interests, as well as that of the community, will give to this "airy nothing" of our propounding "a local habitation and a name:" "The Metropolitan Junction Tramway." The economy of maintenance of such tramroads would be so apparent,—the absence of noise and dirt would be so obvious, that they would rapidly spread into all districts, and we feel persuaded that after awhile trams for carriage wheels would be as indispensable a part of street structure, as side pavements are.

The principle of the main central lines radiating from the Post office would be, to have wide roads with the trams laid in the centre—a double line—and leaving the wide spaces for turns out, and ordinary traffic. It would be quite practicable to arrange the tram wheels, so that they would run on the ordinary road. A regular speed being established for the tram roads, they should be open to all constructing carriages for them, and such carriages should be registered, and pay an annual contribution to the road owners. There is little doubt that the traffic would thus be in a few hands, that it would be a monopoly, but it would be a monopoly maintained only by doing the best for the public, precisely as the running of omnibuses between Paddington and the Bank is at this time a virtual monopoly, but which could not remain a monopoly, if the accommodation of the public were not kept up to the extreme limit, as regards convenience and economy.

Respecting the great economical advantages to be attained by cheap transit in facilitating the carriage of goods, and general mercantile and agricultural facilities, we think there can be no dispute, but, beyond all this, there is the great question of moral progress, of the education of the whole community, by bringing man in contact with man, and things. Time was that no gentleman's education was considered perfect, till he had "made the grand tour." There was a deep philosophy in this remark, though it did not follow that every gentleman who made the tour reaped the benefit aimed at. "The proper study of mankind is man," but many of the mankind might as well have stopped at home and have sent their portmanteaus instead, for all the good they got. The defect in the matter was, that travelling was so costly as to be prohibited to all but the very wealthy. Not every boy who goes to school becomes a scholar, but not therefore ought any one to be debarred. "Cockney" and "bumpkin" are both terms of reproach—one for ignorance of all but town things, the other for ignorance of all but country things. The very growth of the term is a public recognition of the advan-

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tages of travel in the removal of ignorance. Upon travel—upon the knowledge of one nation by another, depends the peace of nations, and one of the great advantages of commerce, is its tendency to promote this knowledge. All these things are truisms, but it can be scarcely accounted superfluous to state them, when we find an influential chairman of railways telling a committee of the House of Commons that he considers cheap travelling a mischief to the community.

Men congregate together in large bodies for economical purposes, and thence has come the growth of cities too densely peopled for health. Convenience, not liking, has produced this. Absence of the means of cheap and rapid transit, caused streets to be built with inefficient air passages; and we find that first the nobles, and then the citizens, and so on to the clerks and shopkeepers, gradually took to living out of town, as fast as the means of conveyance increased. Had these means of conveyance existed at the outset, the buildings would never have been so crowded together, and nothing but making the means of conveyance artificially dear, can prevent the towns and cities from expanding. In London, during hot and stagnant weather, if at all moist, the animal effluvia from the breath cannot get away with sufficient rapidity, and fevers are the result. Spread the town over double the space, and this evil will be greatly alleviated. Rents will fall from their artificially high prices; accommodations will be increased and improved, and the poor will obtain wholesome dwellings, without being driven to an inconvenient distance from their employments.

And upon the means of transit materially depends the cleanliness of a town. The greatest cause of dirt in a town is the traction of wheel carriages by means of horses. The worse the road the greater the number of horses to perform the work. The worst street road in ordinary use is the Macadamised road, taking all circumstances into the account. It is continually grinding away, from its first loose state, through the process of hardening, till the crust again breaks through, and the whole of the broken stones have been converted into mud or dust. Traction in this loose material is very heavy. The next in order is the paved road, which in small blocks is horribly noisy, in which, in the under surface, is continually squeezed up between the joints. With large blocks, of sufficient size not to sink with the blows of the wheels of heavy waggons, the slipping of the horses' feet is increased. The wooden road is the best, when applied so as to form merely a wearing surface to a Macadamised road of sufficient solidity, but want of cleanliness renders this kind of road very slippery in moist weather, though not so, either in dry or wet weather. The cause is, the horsedung or animal mucus.

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To prevent the horses from slipping, the obvious process is to *wash* the streets clean, but instead of that, the surface is spoiled by grooving, thus creating cavities for the retention of dung, and doubling the resistance to draught, requiring double horse power, increasing noise, and wearing away the surface in half the time. Noise arises from concussion—from the wheels jumping instead of rolling, and more noise is found on a grooved wooden pavement than on a level stone tram, as those who have passed over the trams in some of the streets adjacent to Cheapside, can testify. In its best state, the wood pavement produces a far heavier draught than a smooth stone or iron surface, and iron is the best, as being the most durable. If, therefore, iron trams be laid for the wheels, and wood blocks for the horses' feet, we shall attain the maximum of adhesion with the minimum of resistance; and if such roads were regularly washed to clear away the manure, there would be neither mud nor dust.

Absence of the means of cheap and rapid transit, which has heaped dwellings together, caused people to gather around them in close proximity the means of amusement and instruction. While London was small, Tottenham Court, Marylebone, Bagnigge Wells, Bayswater, the Jew's Harp, Chalk Farm, Vauxhall, and similar places sufficed, but they are now nearly all covered with houses, become a part of the town; and part of the public amusement now is—skittles—played in public-house *cellars*. Steam on the river has done much, by bringing the river towns and villages within reach of London at moderate cost, but this does not accomplish the great requisite, cheap and rapid land travel.

For all purposes of recreation and instruction this is requisite, and for a higher purpose still, that of religious education; and hence we know we shall have with us the large and influential body called Puseyites, as well as most other religious teachers. In the thickest haunts of the most miserable indwellers of the town, do we find the most superb gin palaces. In the same haunts do we now find churches planted; and what is more extraordinary we commonly find a new church planted side by side with a gas-work. A burying-ground, a church, a gas-work, a gin palace, and a narrow lane lined with hovels; such is the spot on which a Christian community is gathered together for worship. "Verily ye have made the house of your father in a den" of devils. It is time that this were amended. A narrow street is no place for a temple, though it be the church of St Paul; the feverish air of a city is not the breath of life fitted to pour forth hymns of praise to the Eternal. Cease to preach down man's senses; cease to teach him that he must breathe the poisonous air of the cellar, or of the garret in the city lane during the whole day of rest, in order that he may attend his parish

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church. Ministers of religion! try who shall be first in the career of natural religion. Build ye your temples on the high places! The hills and heaths of the land are the spots consecrated by nature, and fitted to bring forth the higher feelings of man's inner being. The hills and the heaths, which they who hold the narrow doctrine, "that man *shall* live by bread alone," would cut and carve and enclose, and make into rectangular working grounds, for the growth of corn,—those hills and heaths are the fitting places to breathe into man's nostrils the breath of life for the gladdening of all his senses, to pour into his ears the words of religious poetry, and create a soul from under the ribs of the moral death into which he has been plunged, amidst the reeking stews of corruption that surround his parish church, and excel it in attraction.

"God made the country, and man made the town." And now that man hath practically annihilated both time and space, by the spirit within him that hath taught his right hand the cunning whereby he may achieve his escape from darkness into light, let the country once more be devoted to God's uses for the many, instead of being confined to the few. "Man shall *not* live by bread alone, but by every word that proceedeth out of the mouth of God." The words of God's mouth are written on mountain and moor, on heath and hill, on wood and forest, brook and river, ocean and sea. They who would blot out the face of nature and make the whole land artificial, would destroy one of man's noblest faculties, the power of appreciating nature. They would destroy God's handwriting, and substitute for it artificial signs. We hope, we trust, we believe, that this shall not come to pass. We trust that the wild lands of England, the Mount Horebs of the soil, the spots that nature hath made difficult of cultivation, as though she had said, "these are reserved" the wild gardens of the poor man, in which the purple heath and the yellow gorse flourish self-planted—the old forest patches, the Charts and the Commons, the Combes and the Hursts, the wildernesses of the land,—we trust that the rich man's plough shall never pass over these, the poor man's inheritance. Up and be doing, ministers of religion! Plant your cross in such places, and shadow them with your protection. Not as the head of the church—he of Canterbury—hath done,—enclosing a poor man's common for a private park, but shutting out for ever the spoilers of Naboth's vineyard. Proclaim that the high places and wild places are set apart for the worship of nature's God, and build ye your temples at their entrances, for the seasons when the rains of heaven shall fall, and a wintry sky require artificial warmth.

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The great work is nearly wrought, the problem solved, whereby the natural man and the cultivated man may become one, whereby the city may be rescued from its squalor, and field and forest from their ignorance. The yearning for this has always existed in men's minds. People confined to towns by their daily avocations placed their children at school in country air—when they possessed pecuniary means—excepting the strange anomalies of Westminster school, and similar establishments. The poor were fain to be content with the day school, or the parish school—free air was too great a luxury for them. The church, the chapel, the lecture room, the concert room, the theatre, were all reared in impure places, and their uses confined to the inhabitants of towns. All this is within remedy, as the uses of the railway become developed. The poor man can have his accessible country dwelling. Churches and chapels may be reared in beautiful spots at the confluence of lines of railway—temples worthy of man's nature, where man may meet man in Christian equality, where all benign influences may be at work, attracting but not compelling, where architecture, music, and painting—the beautiful in art, may combine with the beautiful in nature. When the promoters of religion shall work by the aid of nature, instead of striving to counteract her, when they shall enable the working-classes to pluck wild flowers, as well as "ears of corn on the Sabbath day," when they shall make for them a healthy and pleasant path to the temple; then will the temple be thronged with voluntary worshippers, and hypocrites shall cease in the land. Work is good, and so is rest—true rest—not painful inaction.

> "On either side the river lie
> Long fields of barley and of rye.
> * * * *
> But up and down the people go,
> Gazing where the lilies blow;"

till, taught by HIM who gathered the multitude around him in the open fields of Galilee—the "lilies," his text; trust in their Creator, his homily—"They look through nature up to nature's God!"

For most purposes of public instruction and amusement, we see no reason why people should not congregate together in desirable railway localities; on the contrary, many reasons why they should. The fact of people congregating in numbers at a given spot, and at a given time, would be sufficient inducement for putting on special trains for going and returning. A religious teacher could select a central spot whereon to build a

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temple, and draw a congregation from all points. Speculative builders would erect lecture rooms and theatres, to be occupied in turn by successive lecturers and companies. People do not require lectures or plays night after night, they require them at intervals, and men of genius might traverse the whole country and spread their beneficial influence far and near, by means of cheap and rapid transit, gathering their audiences around them at central spots. And at such spots, cheap, simple, and co venient hostelries would arise, on the principle of small profits and large returns.

Most thoroughly do we sympathise with the speculation set on foot by Mr Wilkinson, carrying an atmospheric railway through the beautiful districts of Surrey and Kent, opening up to public enjoyment those exquisite spots which have hitherto been confined to the wealthy. For the first time, probably, will the powers of the railway be made available to produce the minimum expense of transit to the public, with a remunerating profit to the capitalist, and this will have been accomplished by a free trader —an anti-monopolist—a disciple of the Ricardo school of political economy. Without noise, without dust, without smoke, without visible steam, will people glide

> " * * Through the town and out at the street,
> While a light wind blows from the gates of the sun,
> And waves of shadow pass over the wheat.
> They may sit them down in the lonely place,
> Hearing melodies chanted loud and sweet,
> That make the wild swan pause in her cloud,
> The lark drop down at their feet."

G. A. H.

*** We subjoin, as an appendix to the above, the following note from a correspondent upon the scientific questions involved in late discussions upon the principle of Atmospheric Traction.

The result of six years practical experience in the manufacturing and working of pneumatic machinery has led me to the conclusion that this mode of transferring power by exhaustion must, in its application to railway traction, as well as to other purposes, be attended with a certain loss (independent of that arising from leakage and friction); a loss which increases in proportion as the exhaustion approaches to a perfect vacuum, but which may be in part avoided; while there are some obvious advantages to be set off against it.

We commence by assuming a certain size of vacuum engine, and ascertaining the dimensions of the air pump required to work it. If, then, we calculate the power of the engine, and the force which must be exerted by the prime mover that works the air pump (excluding friction and leakage in both cases), the difference between the work done by the engine and the

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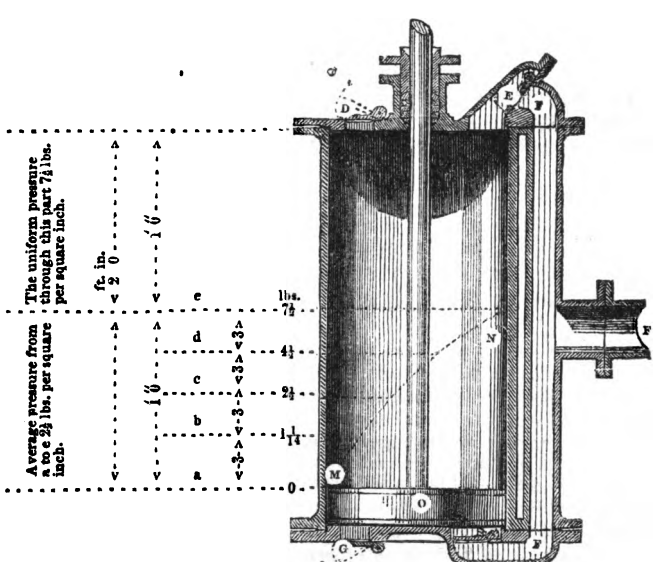
power required by the pump, will give the amount of loss; and we shall also in the investigation be enabled to ascertain the cause from which this loss arises. We therefore assume an engine with a piston of one foot in area, moving through one foot in any given time—say one-third of a second,—and that the work to be done by this engine is of such a resistance as to require a pressure of 7½lbs. (or half an atmosphere) on every square inch of the piston. The power exerted by the engine in this space of time (one-third of a second) will equal the area of the piston multiplied by the pressure on each inch, and then by the space moved through.

	Inches area of piston.		lbs. pressure per inch.		inches space moved through.		
This equals	144	×	7½	×	12	=	12,960lbs.

exerted through one inch.

An engine of these dimensions would admit one cubic foot of atmospheric air in one-third of a second into the pipes leading to the exhausting pump; and as the density of the air in these pipes would, by the proposition, be only half that of the atmosphere (the density being as the pressure), it follows that this foot of air would expand to double its bulk. To maintain the same degree of rarefaction in the pipes it also follows that the exhausting pump must be capable of exhausting these two feet of air in the same space of time that was occupied in their admission; that is to say, the air pump must be of one foot area of piston, and two feet motion, and must make an equal number of strokes with the engine which it works. Having thus ascertained the size of the pump, the next question is to determine the power required to work it.

In the following diagram of the pump, O represents the piston at its lowest point, and ready to commence its upward motion. S, the valve through



Area of Pump one foot.

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which the air is drawn from the pipes F; and D, the delivery valve, by which the air will escape that had been drawn from the pipes F into the upper part of the pump by the valve E during the down stroke. G is the discharge valve for the bottom part of the pump.

The lines a, b, c, d, e, placed three inches above each other, represent by their lengths the pressure on every square inch of the piston at each of these parts of the stroke. The curved line M N, passing through their extremities, shows by its distance from the perpendicular P Q the pressure at any other part.

The upper part of the pump being filled with air drawn from the pipes F, it follows that when the piston, by its upward motion, begins to take air from these same pipes, it will have an equal pressure above and below it, as indicated by the O at this level a. When the piston has made three inches of upward motion, viz., to b, the air in the upper part will be compressed from twenty-four to twenty-one inches, and its pressure will be increased in an inverse proportion. This, by calculation, will be found to amount to $1\frac{1}{7}$lbs. per square inch.

Repeating this calculation at c, d, and e, we shall find the pressure to be increased to $2\frac{1}{2}$lbs., $4\frac{1}{2}$lbs., and $7\frac{1}{2}$lbs. respectively. We may approximate to the mean pressure between a and e, by calculating it at a number of places, and taking the average; or we may ascertain it accurately by using the formula for expanding steam (of which, in fact, this we are now considering is the converse). By this formula we find the average pressure from a to e to be very nearly 2·9lbs. per square inch. By the arrival of the piston at e (the half stroke), the air contained above it will be restored to its original atmospheric bulk and pressure, and will therefore raise the valve D, and make its escape. The pressure on the piston, consequently, for the remainder of the stroke cannot exceed the $7\frac{1}{2}$lbs. which it had attained at e (being the required pressure in the pipes assumed at first). Having thus ascertained the pressure, we can easily find the power required to work the pump. This will equal, firstly, the area of the piston multiplied by the average pressure of 2·9lbs., and by the length of stroke (twelve inches) between a and e; and secondly, the addition to this of the multiplication of the piston's area by $7\frac{1}{2}$lbs., and by the twelve inches remaining of the stroke above e.

	Inches area of piston.		lbs. average pressure per sq. inch between a & e.		inches length of stroke.		power required to work pump.	work done by engine as previously calculated.
The first equals	144	×	2·9	×	12	=	5,011	
	Inches area above e.		lbs. pressure above e.		length of stroke above e.			
The second equals	144	×	$7\frac{1}{2}$	×	12	=	12,960	12,960
			lbs. exerted through one inch				17,971	12,960

The difference between these two amounts of 5,011lbs., the power required to work the pump previous to the opening of the delivery valve D, is the loss which in this case of $7\frac{1}{2}$lbs. pressure, equals ·278 of the whole force (17,971lbs.) employed in working the pump.

So that exclusive of the waste arising from leakage, friction, and another cause which has to be considered, viz., the heating of the air, 40-horse power employed in working an air pump would only develop 28·88 at the pneumatic engine. As the loss has been shown to be equal to that part of the power required to work the pump previous to the opening of the

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delivery valve D, and as the per centage that part of the whole power evidently increases the nearer we approach to a perfect vacuum, it is obviously an important point to consider at how low a pressure it may be practicable to work machinery of this kind instead of endeavouring (as is too commonly done) to get the guage to as high a point as possible. If, for example, we calculate the loss arising from working at 1lb. and at 14lbs. pressure, we shall find it in the first case only $\frac{1}{15}$th of the whole power, and in the second the enormous amount of $\frac{13}{15}$. As a practical proof of the above, I may mention that on the Dalkey railway high speeds have been found most economical, which is equivalent to saying that light trains, requiring a less perfect exhaustion, are found most economical. As connected with the preceding calculations, I may refer to the following statements of some of the pneumatic machines which have come under my notice, and which I have had the very best opportunities for observing.

In the years 1839 and 1840 Mr John Hague, late of Rotherithe, erected at Mr Butler's coal pit at Lydbrook, in the Forest of Dean, one of his pneumatic pumping machines. Previously to the erection of this machinery, the steam engine to which the air pump was afterwards applied raised by ordinary lift pumps 550 gallons of water per minute. After its application it could only raise at the utmost 300 gallons per minute from the same depth, the vacuum gauge indicating about 10lbs. or twenty inches. By calculating the loss arising from working at this pressure, we shall find that the work done for the power employed is as 330 to 550, which agrees very nearly with the actual result.

About a twelvemonth ago the same engineer erected for the Brighton Railway Company a steam engine air pump, and two pneumatic cranes at the London-bridge goods station. These were used nightly from that time until the opening of the Bricklayers'-Arms station, in May last, and as yet have not been removed. The order was for "six pneumatic cranes of two tons power each, and a 6-horse engine and air pump to work them." In consequence of the warehouse having been erected of a less size than was originally designed, only two cranes were made, but the engine and pump were constructed as at first ordered. Though the price paid was only for 6-horse power, yet the cylinder was made twelve inches diameter and two feet stroke. This for a high pressure engine, with no more expansion than could be obtained in the slide! I will leave it to your mechanical readers to form an estimate of its real power, which is certainly nearer 12 than 6 horse. Notwithstanding this enormous cylinder, and its only driving two cranes instead of six, it had its work to do, and I have little hesitation in saying that four or five cranes would have been the limit of its power. About this time Mr Hague was ordered by the Admiralty to attach an air pump, requiring 8-horse power to work it, to the factory engine at Woolwich dockyard, the above 8-horse being surplus power which was to be applied by means of pneumatic engines to some of the machines in the old work shops, and to the greater part, if not the whole, of those to be erected in the new buildings. The air pump and two engines have been fixed in the old part of the factory, and nine others are ready for the new. A trial, and I believe a successful one, has been made of those which are erected; but I think it will be found that though the air pump will most certainly require 8-horse power to work it, yet that 4 or 5-horse is the utmost which will be obtained from the engines.

As a further proof of the loss accruing from conveying power by the rarefaction of air, let us suppose the following simple case. Let it be required to raise two equal weights—say 10lbs.—through the same space —say one foot; and imagine one weight to be provided with a spring be-

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tween it and the ring by which it is raised of such an elasticity as to expand one foot with its 10lbs.; and the other weight to be of the ordinary construction. In the first case we must exert a gradually-increasing force (from 0 to 10lbs.) through one foot, before the spring is capable of moving its weight; and then we must exert an uniform force of 10lbs. for the foot through which we have to raise it; so that the whole power required will equal 5lbs. (the mean between 0 and 10) through one foot added to 10lbs. through the same distance equals 15lbs. exerted through one foot. In the second case we shall clearly only use a force equal to the work done, namely, 10lbs. raised one foot. Therefore, by the employment of a spring (representing the air) between the power and the work to be done, we incur in this case a loss equal to one-third of the whole force exerted.

Much has lately been written relative to the heat developed in the air pump; and by some, and among others by a writer whose opinion was quoted in the 'Times' of the 27th of June last, this heat has been attributed to the friction of the particles of air. I think I can show it does not proceed from this cause, and that I can also point out the source from which it really arises.

If friction were the cause, there ought to be the same amount of heat developed whenever air moves at equal velocities through similar apertures. So far from this being the case, the pneumatic engine that admits the air into the exhausted pipes is always intensely cold, while the pump which is drawing the air from the same pipes is as constantly intensely hot. As the passages of the pneumatic engine are usually far smaller than those of the pump, the air must rush through them at a greater speed; and therefore a larger amount of heat than that at the pump ought to be developed at the engines instead of the intense cold which is invariably experienced. I have had engineers remark to me, when standing by an air pump at work, that this heat must be caused by the friction of the piston; upon which I have propped up the delivery valve, so that the pump merely drew in and delivered at it in the same manner as a common syringe. After working a few strokes thus, the pump always cooled down. Now as its piston was moving at the same rate as before, and there was positively more air rushing through the aperture, the friction of the particles must have been greater, and that of the piston the same; so that the heat ought to have increased had either friction theory been correct.

The true cause of the phenomenon is simply this: when air is expanded, like all other bodies, its capacity for caloric is increased; when, therefore, a portion of the atmosphere rushes through a pneumatic engine into an exhausted pipe, and is expanded to double or treble its bulk, it has a greater power of absorbing heat. This required heat it can only procure from the sides of the vessel in which it is enclosed. Not being able to obtain it with sufficient rapidity by this means, its own heat has to be divided among the increased volume; and in this way a sensation of extreme cold is produced, analogous to that experienced by placing ether on the skin, or to that produced in the operation by which carbonic acid gas has been solidified. This, then, accounts for the cold at the point where the air is admitted. If the hand be passed along the pipes leading from the pneumatic engine to the exhausting pump, they will be found to become warmer and warmer until (if of sufficient length) they will arrive at the same temperature as the atmosphere; but whatever length they may be, this temperature will never be exceeded, even within two or three feet of the pump; that is to say, up to such a distance as its warmth is conducted by the metal of the pipes. The expanded air thus once more raised to the temperature of the atmosphere, by having absorbed heat from the sides of the pipes

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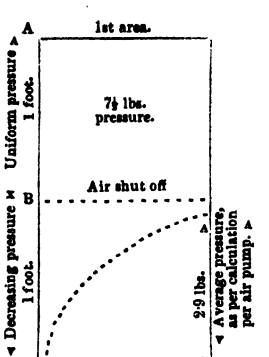
through which it has passed, is, previously to its expulsion from the pump, again compressed to atmospheric density. Its capacity for heat being thus diminished, that which it had taken up in the pipes changes from the latent to the sensible form. The same fact is observable in the compressing syringes used for igniting tinder, where the amount of heat developed in consequence of the decrease of bulk is sufficient to produce combustion.

The following experiment was made on the 7th of September, 1840, at the coal pit in the Forest of Dean (already mentioned). I placed a thermometer on the cover of the air pump previously to commencing work, which stood at 65°, and was so fixed as to receive the blast of air emitted from the pump, which, when put to work, created and maintained a vacuum of about 10lbs. In about ten minutes after commencing, the temperature rose to 122°, and was still slowly rising; but the range of the thermometer being only 132°, I removed it. I believe it would have risen to at least 132° or 133°. As it is evident that the air in the pump being heated will not be of its original bulk when restored to atmospheric pressure, but so much greater as is due to its rise in temperature, an extra and wasted power in proportion to this increased volume must clearly be exerted by the prime mover. I have adopted two methods to obviate the loss arising from this cause,—the one to fix the pump in a cistern, the other the application of injection cocks, by which an extremely fine jet of water could be admitted. After the application of these cocks to the air pump at the coal pit above mentioned, the revolutions of the steam engine (which had no governor) were increased from thirty-one to thirty-six per minute, the same vacuum being maintained in the pipes. The air pumps at Woolwich and the London-bridge station were also fitted with injection pipes.

I will now point out a means by which a great part of the loss arising from the use of pneumatic engines may be avoided. As this loss has been shown to arise from the air in the pump operating in the converse manner to the steam in an ordinary expanding engine, I should propose to compensate for it by working the pneumatic cylinder expansively; that is to say, if using a cylinder of one foot area of piston and two feet stroke, at 7½lbs. pressure, to admit the air for one foot (or half the stroke) only, as in the diagram. The work done by such a pneumatic engine would equal, first, the area of the piston multiplied by the 7½lbs. pressure on each inch, and by the space moved through between A and B; and second, to be added to this. The



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area of the piston multiplied by 2·9lbs. average pressure on each inch, and by the space moved through between B and C; these equal—

	Inches area of piston.		lbs. per sq. inch between A & B.		inches length between A and B.		work done.
First . .	144	×	7½	×	12	=	12,960
			between B & C.		in. between B & C.		
Second .	144	×	2·9	×	12	=	5,011
							lbs. raised one inch 17,971

Now to ascertain the size of the air pump for this engine: as the atmosphere was excluded after one foot only had been admitted, and as we have again supposed half an atmosphere, or 7½lbs. pressure, this one foot of air would expand to two feet in the pipes, as by the first calculation, and would consequently require the same size pump and the same amount of power to work it; but this has been previously ascertained to be 17,971lbs. moved through one inch. Therefore, by the expanding arrangement, the work done and power required are rendered equal, thus confining the loss to the friction and leakage, which, by common care, may be reduced to a very slight amount.

Note, that the period of cutting off the air in the above arrangement must depend on the degree of pressure at which the pneumatic engine is worked.

Having thus endeavoured to point out the causes of loss arising from the use of this method of transferring power, and having suggested a probable means by which, in many cases, these losses may be reduced, I shall conclude by stating under what circumstances it appears desirable to employ it.

Whenever power for manufacturing purposes has to be conveyed a great distance, that is to say beyond the limits of shafting, or any contrivance of that sort, there can be no doubt that this plan is invaluable; and more especially as, from all I have been able to observe, it appears that the loss does not increase with the distance, but is a first loss.

In reply to any doubt that may be felt as to the practicability of making air-tight joints to the pipes, I can say from experience, this is easily overcome; which is the more credible when we consider that the force can never exceed 15lbs. per square inch, and that we commonly see water-mains made perfectly tight under a far greater pressure than this.

In Mr Wrigley's colliery at Oldham, previously to the introduction of the pneumatic machinery, water and coals were drawn by horse-power up an incline two hundred yards in length, the head of which was situated about two or three hundred yards from the bottom of a shaft of one hundred and fifty yards depth; so that the whole distance from the engine at the pit's mouth, which worked the air pump, to the lower end of the water elevator was about three-eighths of a mile. The pneumatic pumping and winding machinery were applied to this incline in the year 1837 or 1838, and have since been working with the greatest success.

At Mr Browne's coal pit near Manchester, a pumping machine has also been fixed, which works at a still greater distance from the moving power.

In similar situations to these, and in many others, such as working the cranes in an extensive dock, rendering available the power of a water-fall by transferring it from some almost inaccessible locality, &c., there can be little doubt that this is the only feasible means of accomplishing the object; but it is most absurd to employ it, as at Woolwich and at the London-bridge goods station, as a substitute for a reasonable length of shaft.

With respect to its applicability to railways, though we cannot by expansion prevent the loss which occurs in the pump, as there is no reciprocation of the working piston, yet I think there is great reason to suppose it may,

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after certain difficulties of detail have been surmounted, come into successful competition with the present locomotive, the loss of power in which at high speeds is well known to be enormous. And when we consider that by the use of the atmospheric system, the carriage, not being in danger of a concussion with the engine, may be rendered as light in proportion to the number of persons carried as the common omnibus; and that the dead load of engine, tender, and water will be totally dispensed with, thereby reducing the useless weight of the empty train to about one-half that of the persons carried instead of three times their weight, which is nearer the present proportion, we shall come to the conclusion that, taking into account the saving both of first cost and wear of the way and carriages, and the reduction in tractive power from the decreased weight of the trains, that we can well afford a greater expenditure of force per ton, more especially in stationary engines, where there is less wear and consumption of fuel.

As compared with the rope, I think any person aquainted with the Blackwall railway will allow that the atmospheric, even in its worst form, is far more economical. The average power of the stationary engines at this railway is about 180-horse, which, at the utmost, draw about one hundred tons at the rate of twenty miles an hour only; which, at a tractive force of 10lbs. per ton, amounts to but 54-horse power, or 30 per cent.; thus giving a loss of 70 per cent., even supposing this load to be constant instead of diminishing by casting off carriages as the train proceeds.

In this last calculation I have taken the low number of 33,000lbs. as the unit of the horses power, instead of the real one of 52,000lbs., which would show the actual loss to be 81 per cent.

B. F.

ART. II.—*Coningsby.* A Novel. By B. D'Israeli, Esq., M.P. H. Colburn.

A CLEVER novel;—clever in the higher acceptation of the term. A novel that, whether as a work of amusement, or a vehicle for political opinions (the latter perhaps of ephemeral interest), has been in the highest degree successful, and ranks, deservedly, with the highest of its class. We shall speak freely of its faults. Upon the philosophy of Coningsby, our strictures will, for the most part, be disparaging; but let us be just to a writer of merit. We have here, from the pen of Mr D'Israeli, a work, not only calculated to sustain his reputation for literary ability and artistical skill, but one which gives evidence of better qualities; moral courage, mental independence, worthy aims.

A new novel is sometimes a political event; slight enough it may seem, as in this case, but not unimportant. Symptoms of disunion have long been observed in the Conservative camp, but without any increased consolidation or accession of strength on the part of the Whig opposition. The Whigs, as a body, appear to be still losing ground; their influence with the country is feeble and daily becoming more so; and yet Conservatism is

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not popular; it can only boast of sullen supporters. Old parties are breaking up. New combinations are forming. The moment is favourable to discussion. 'Coningsby' is the yeast that will help in the general fermentation of ideas; and the result, although it may not advance the views of "Young England," or what Mr D'Israeli calls the "new generation," must be favourable to progress.

Of 'Coningsby,' as a fiction, we shall not attempt a minute analysis. There is nothing original in the plot, and although many of the characters are personal sketches, they chiefly belong to the class with which the readers of fashionable novels have long been familiar. D'Israeli has not the creative faculty of Dickens. Coningsby, the hero, is only the walking gentleman of the stage, and to many actors brought on the scene, somewhat insipid parts are assigned. Flora Villebecque is a failure, and perhaps the principal blemish of the book. The unrequited affection of a youthful aunt for her own nephew is not a subject for sympathy, and such an incident gratuitously introduced is not in good taste. Millbank, the manufacturer, bears little resemblance to the class of which he is intended as a type. Many of the wealthiest manufacturers rejoice in the title of Conservatives; and those who hate the aristocracy with the intensity of a Millbank (if any such there be), do not send their boys to Eton for the sole privilege of having them educated with noblemen's sons. The younger Millbank is a nobody, born only to be half drowned in a boat excursion, and saved by Coningsby. The misunderstandings of the hero and heroine, arising out of gossiping rumours, belong to the stupid and commonplace; but the novel has many redeeming points, and its interest seldom flags, least of all perhaps in the chapters devoted to the tender passion; the essential ingredient of all romance. Our fair readers, we doubt not, would deem the description of a ramble in a wood, the scene in a fisherman's hut, where the lovers take refuge from a storm, and for the first time breathe their vows of unalterable attachment, an enchanting picture. To extract it would be to mar its effect by isolation; and our duty lies principally with passages which the mere novel reader is apt to skip.

We will introduce the more serious disquisitions of Mr D'Israeli, and our comments upon them, with his sketch of a borough election.

The candidates for the suffrages of the independent electors of Darlford, are the honourable Mr Rigby, a nominee of the Marquis of Monmouth, and Mr Millbank, the manufacturer.

"The people of Darlford, who, as long as the contest for their re-

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presentation remained between Mr Rigby and the abstraction called Liberal principles appeared to be indifferent about the result, the moment they learned that for the phrase had been substituted a substance, and that too in the form of a gentleman who was soon to figure as their resident neighbour, became excited, speedily enthusiastic. All the bells of all the churches rang when Mr Millbank commenced his canvass; the Conservatives, on the alert, if not alarmed, insisted on their champion also showing himself in all directions; and in the course of four-and-twenty hours, such is the contagion of popular feeling, the town was divided into two parties, the vast majority of which were firmly convinced that the country could only be saved by Mr Rigby, or preserved from inevitable destruction by the election of Mr Millbank.

"The results of the two canvasses were such as had been anticipated from the previous reports of the respective agents and supporters. In these days the personal canvass of a candidate is a mere form. The whole country that is to be invaded has been surveyed and mapped out before entry; every position reconnoitered; the chain of communication complete. In the present case, as is not unusual, both candidates were really supported by numerous and reputable adherents; and both had very good grounds for believing that they would be ultimately successful. But there was a body of the electors who would not promise their votes; conscientious men, who felt the responsibility of the duty that the constitution had entrusted to their discharge, and who would not make up their minds without duly weighing the respective merits of the two rivals. This class of deeply meditative individuals are distinguished not only by their pensive turn of mind, but by a charitable vein that seems to pervade their being. Not only will they think of your request, but, for their parts, they wish both sides equally well. Decision indeed, as it must dash the hopes of one of their solicitors, seems infinitely painful to them; they have always a good reason for postponing it. If you seek their suffrage during the canvass, they reply that the writ not having come down, the day of election is not yet fixed. If you call again to inform them that the writ has arrived, they rejoice that perhaps after all there may not be a contest. If you call a third time, half dead with fatigue, to give them friendly notice that both you and your rival have pledged yourselves to go to the poll, they twitch their trousers, rub their hands, and with a dull grin observe—

"'Well, sir, we shall see.'

"'Come, Mr Jobson,' says one of the committee with an insinuating smile, 'give Mr Millbank one.'

"'Jobson, I think you and I know each other,' says a most influential supporter, with a knowing nod.

"'Yes, Mr Smith, I should think we did.'

"'Come, come, give us one.'

"'Well, I have not made up my mind yet, gentlemen.'

"'Jobson!' says a solemn voice; didn't you tell me the other night you wished well to this gentleman?'

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"'So I do; I wish well to everybody,' replies the imperturbable Jobson.

"'Well, Jobson,' exclaims another member of the committee, with a sigh, 'who could have supposed that you would have been an enemy!'

"'I don't wish to be no enemy to no man, Mr Trip.'

"'Come, Jobson,' says a jolly tanner. 'If I wanted to be a parliament man, I don't think you could refuse me one!'

"'I don't think I could, Mr Oakfield.'

"'Well, then, give it to my friend.'

"'Well, sir, I'll think about it.'

"'Leave him to me,' says another member of the committee, with a significant look. I know how to get round him. It's all right.'

"'Yes, leave him to Hayfield, Mr Millbank; 'he knows how to manage him.'

"But all the same, Jobson continues to look as little tractable and lamb-like as can be well fancied.

"The eve of polling-day was now at hand. This is the most critical period of an election. All night parties in disguise were perambulating the different wards, watching each other's tactics; masks, wigs, false noses, gentles in livery coats, men in female attire—a silent carnival of manœuvre, vigilance, anxiety, and trepidation. The thoughtful voters about this time make up their minds; the enthusiasts who have told you twenty times a day for the last fortnight, that they would get up in the middle of the night to serve you, require the most watchful cooping; all the individuals who have assured you that 'their word is their bond,' change sides.

"Two of the Rigbyites met in the market-place, about an hour after midnight.

"'Well, how goes it?' said one. 'I have been the rounds. The blunt's going like the ward pump. I saw a man come out of Moffatt's house, muffled up, with a mask on. I dodged him. It was Biggs.'

"'You don't mean that, do you? D—e, I'll answer for Moffatt.'

"'I never thought he was a true man.'

"'Told Robins?'

"'I could not see him; but I met young Gunning, and told him.'

"'Young Gunning! That won't do.'

"'I thought he was as right as the town clock.'

"'So did I, once. Hush! Who comes here? The enemy, Franklin and Sampson Potts. Keep close.'

"'I'll speak to them. Good night, Potts. Up rather late to-night?'

"'All fair election time. You ain't snoring, are you?'

"'Well, I hope the best man will win.'

"'I am sure he will.'

"'You must go for Moffatt early, to breakfast at the White Lion;

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that's your sort. Don't leave him, and poll him yourself. I am going off to Solomon Lacey's. He has got four Millbankites cooped up very drunk, and I want to get them quietly into the country before daybreak.'

"'Tis polling-day! The candidates are roused from their slumbers at an early hour by the music of their own bands perambulating the town, and each playing the "conquering hero," to sustain the courage of their jaded employers by depriving them of that rest which can alone tranquillize the nervous system. There is something in that matin burst of music, followed by a shrill cheer from the boys of the borough, the only inhabitants yet up, that is very depressing.

"The committee rooms of each candidate are soon rife with black reports; each side has received fearful bulletins of the preceding night campaign, and its consequences are exemplified in the morning; unprecedented tergiversations, mysterious absences, men who breakfast with one side and vote with the other; men who won't come to breakfast; men who won't leave breakfast.

"At ten o'clock Mr Rigby was in a majority of twenty-eight.

"The polling was brisk, and very equal until the middle of the day, when it became very slack. Mr Rigby kept a majority, but an inconsiderable one. Mr Millbank's friends were not disheartened, as it was known that the leading members of Mr Rigby's committee had polled; whereas his opponents were principally reserved. At a quarter-past two there was great cheering and uproar. The four voters in favour of Millbank whom Solomon Lacey had cooped up, made drunk, and carried into the country, had recovered their senses, made their escape, and voted as they originally intended. Soon after this, Mr Millbank was declared by his committee to be in a majority of one; but the committee of Mr Rigby instantly posted a placard in large letters to announce that, on the contrary, their man was in a majority of nine.

"'If we could only have got another registration,' whispered the principal agent to Mr Rigby, at a quarter-past four.

"'You think it's all over, then?'

"'Why I do not see now how we can rise. We have polled all our dead men, and Millbank is seven a head.'

"'I have no doubt we shall be able to have a good petition,' said the consoling chairman of the Conservative association."

There is unhappily nothing exaggerated in this picture. It too faithfully describes that virtual representation which the country obtained by the Reform Bill; and we find ourselves perfectly in accord with Mr D'Israeli, in pronouncing upon it the most emphatic condemnation. What Young England may do for our political regeneration, or that 'Chartism' which the author of 'Coningsby' considers all but inevitable, lies hidden in futurity. The hopes once raised by the Reform Bill belong to

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the past. Its machinery has utterly failed. The kind of government it secured is neither that of the majority nor of the intelligent minority; it has placed power in the hands of the venal. With narrow and corrupt borough constituencies on the one hand, and swarms of dependent county voters on the other, we have a system ingeniously framed, as it would appear, to give the ascendency only to the political Esaus of the community. Principle is rarely in question. The determining consideration is the mess of pottage. Neither Whigs nor Tories choose their own men. It is not sufficient to have talent, experience, integrity; the candidate must be one who can command the means to influence baseness. The member is practically elected by men who have no opinions of their own, and obey no impulse but that of their immediate self-interest. These turn the scale between contending parties, and partially, or wholly, defeat the object of both. We doubt if the system now in operation be not worse than that it superseded. In former days (we had almost written the good old times, so dissatisfied are we with the present), nomination boroughs were simply appendages to great estates; we have now the same appendages to great estates with certain incumbrances—electors to be demoralized.

We doubt whether under any of the forms of continental despotism the exercise of arbitrary power produces greater moral evils in small communities, than the corrupting influences at work under our existing electoral system. It is utterly detestable; and if it were not a mockery rather than a practical exemplification of the true theory of representation, we should at once abandon the defence of constitutional government. The Emperor Nicholas is not an authority we greatly respect, but it may be assumed that he sometimes speaks the truth, as this is generally admitted of that older potentate, whose name he bears. We quote, as apposite to our subject, a striking passage from the Marquis de Custine's 'Russia.'

"The emperor interrupted himself, and looked at me attentively. I continued to listen without replying, and he proceeded:—

"'I can understand republicanism; it is a plain and straightforward form of government—or, at least, it might be so; I can understand absolute monarchy, for I am myself the head of such an order of things; but I cannot understand a representative monarchy; it is the government of lies, fraud, and corruption; and I would rather fall back even upon China than ever adopt it.'

"'Sire, I have always regarded representative government as a compact inevitable in certain communities at certain epochs; but, like all other compacts, it does not solve questions—it only adjourns difficulties.'

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"The emperor seemed to say, Go on. I continued:—

"'It is a truce signed between democracy and monarchy, under the auspices of two very mean tyrants, fear and interest; and it is prolonged by that pride of intellect which takes pleasure in talking, and that popular vanity which satisfies itself on words. In short, it is the aristocracy of oratory substituted for the aristocracy of birth; it is the government of the lawyers.'

"'Sir, you speak the truth,' said the emperor, pressing my hand. 'I have been a representative sovereign,* and the world knows what it has cost me not to have been willing to submit to the exigencies of this infamous government. (I quote literally.) To buy votes, to corrupt consciences, to seduce some in order to deceive others; all these means I disdained, as degrading those who obey as much as those who command, and I have dearly paid the penalty of my straightforwardness; but, God be praised, I have done for ever with this detestable political machine. I shall never more be a constitutional king. I have too much need of saying all that I think ever to consent to reign over any people by means of stratagem and intrigue.'"

To return to 'Coningsby.' Mr D'Israeli prophesies the downfal of parliament; but his data is neither sound nor his argument logical:—

"'You will observe one curious trait,' said Sidonia to Coningsby, 'in the history of this country; the depositary of power is always unpopular, all combine against it, always it falls. Power was deposited in the great barons; the church using the king for its instrument crushed the great barons. Power was deposited in the church; the king bribing the parliament plundered the church; power was deposited in the king; the parliament using the people beheaded the king, expelled the king, changed the king, and finally, for a king substituted an administrative officer. For one hundred and fifty years power has been deposited in the parliament, and for the last sixty or seventy years it has been becoming more and more unpopular. In 1830 it was endeavoured by a reconstruction to regain the popular affection; but in truth, as the parliament then only made itself more powerful, it has only become more odious. As we see that the barons, the church, the king, have in turn devoured each other, and that the parliament, the last devourer, remains, it is impossible to resist the impression that this body also is doomed to be destroyed, and he is a sagacious statesman who may detect in what form and in what quarter the great consumer will arise.'"

In this reasoning several things are confounded which have no necessary connexion; jealousy of power, the present House of Commons and the principle of parliamentary representation. Power is not unpopular *per se*; it only becomes so when not felt

* In Poland.

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to be rightfully held and beneficially exercised. The House of Commons is unpopular not because it is a depositary of power, but because its authority is more and more regarded as an usurpation of popular rights:—it is not the parliament of the people. The people could not be jealous of power in their own hands; and hence the principle of parliamentary representation would continue to be upheld, under new forms, if the House of Commons were to fall to-morrow. Of this we have evidence in the republican institutions of the United States. They may work well or ill; the measures of Congress and of the State assemblies may be wise or mischievous; party spirit may run high; the *personnel* of the executive may continually change; the north may separate from the south; but the form of government which prevails in America will remain essentially popular; the most so, perhaps, of any government in the world. Not a whisper favourable to monarchy has yet been heard in the United States. No party proposes to substitute privilege and royal prerogative for representation.

But what, says Mr D'Israeli, is the representative principle?

"'Representation is not necessarily, or even in a principal sense, parliamentary. Parliament is not sitting at this moment, and yet the nation is represented in its highest as well as in its most minute interests. Not a grievance escapes notice and redress. I see in the newspaper this morning that a pedagogue has brutally chastised his pupil. It is a fact known all over England. We must not forget that a principle of government is reserved for our days, that we shall not find in our Aristotles, or even in the forests of Tacitus, nor in our Saxon Wittenagemotes, nor in our Plantagenet parliaments. Opinion now is supreme, and opinion speaks in print. The representation of the press is far more complete than the representation of parliament. Parliamentary representation was the happy device of a ruder age, to which it was admirably adapted; an age of semi-civilization, when there was a leading class in the community; but it exhibits many symptoms of desuetude. It is controlled by a system of representation more vigorous and comprehensive; which absorbs its duties and fulfils them more efficiently; and in which discussion is pursued on fairer terms, and often with more depth and information.'

"'And to what power would you intrust the function of taxation?'

"'To some power that would employ it more discreetly than in creating our present amount of debt, and in establishing our present system of imposts.'

"'In a word, true wisdom lies in the policy that would effect its ends by the influence of opinion, and yet by the means of existing forms. Nevertheless, if we are forced to revolutions, let us propose to our consideration the idea of a free monarchy established on fundamental laws, itself the apex of a vast pile of municipal and local government, ruling an educated people, represented by a free and intellectual press. Before such a royal authority, supported by such a

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national opinion, the sectional anomalies of our country would disappear. Under such a system, where qualification would not be parliamentary, but personal, even statesmen would be educated; we should have no more diplomatists who could not speak French; no more bishops ignorant of theology; no more generals-in-chief who never saw a field.'"

Again, we have facts, sound principles, and illogical conclusions strangely mingled. The influence of the press, and the power of opinion speaking through the press, are undoubtedly great; but so much the greater is the influence and power of representation, in the strict acceptation of the term, by which is always understood electoral representation. The influence of Parliament, for good objects at least, has not been weakened by the press, but, on the contrary, has been greatly increased. A member of the House of Commons addresses at night a small circle of his colleagues, and the next morning, through the daily papers, as many millions of his countrymen. In a few days his speech is translated, copied into foreign journals, and perhaps discussed in the cabinets of all the kings of Europe. Here is a power greater than was ever held by Roman senator. It is quite true that it has been created by the press. The press alone has rescued the House of Commons from the secondary position of a mere debating society, with a Cromwell, or a Prince of Orange, for its president. But the press is, after all, only a reflex of the principle of representation. Let parliament be prorogued or dissolved, and how barren and dead is the political world! The columns of our newspapers are then filled with reports of speeches made by other and self-appointed representatives at public meetings; but how few even read them! What weight have they with the country compared with the discussions of legislators, ending in a division? We dispute not the depth and information often displayed in "leading articles," but for what object are they written? To sustain a majority or strengthen a minority. When the house is up, the chief editors of the 'Times' and 'Chronicle' are shooting grouse in Cumberland or steaming up the Rhine. The task of commenting upon the brutality of a schoolmaster, or the other accidents and offences of the vacation, is left to reporters and sub-editors. To argue that the press will supersede parliamentary representation is to betray a confusion of ideas. Public men are influenced by opinion, but they also direct opinion. Delegated power placed in the hands of the master minds of the age is now a power more irresistible than that of the mightiest conquerors of antiquity; but it is a moral power which must carry opinion with it. The press has destroyed for ever the *sic volo sic jubeo* of military and monarchical dictatorship.

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Mr D'Israeli, in proposing to extend the royal prerogative as a panacea for the abuses of representation, and yet to maintain liberty of discussion and a free press, involves himself in self-evident contradictions. A government dependent upon opinion is one wholly irreconcilable with privilege; the tendency of free discussion is unfavourable to all claims that rest upon mere authority. The monarch and the priest have alike fallen from their high estate. Shakspeare says "There is a divinity that doth hedge a king;" but this was two hundred years ago. The god is discovered to be a mere mortal. A queen, it may now be said without offence, is but a woman. The opinion on the Sugar Duties of her Most Gracious Majesty Queen Victoria, if known to the public, would not be held in more respect—would possibly be even less esteemed—than the sentiments on the same subject of Harriet Martineau. To promote the object of Mr D'Israeli and the 'New Generation,' faith is wanting,—not the faith to which he alludes, for there are true worshippers, but that faith which is happily departing the earth, and which all the novel writing of Mr D'Israeli, and all the preaching of Dr Pusey, will never restore,—faith in human infallibility.

Sidonia's sketch of "a free monarchy based upon fundamental laws," &c., reminds us of the old story,—a citizen king with republican institutions. What it means the French have by this time found out—what Mr D'Israeli means we are afraid is not very clear to himself. He does not tell us by whom his "fundamental laws" are to be framed and revised. He abolishes parliamentary representation, but does not say whether his municipal institutions are to consist of local representative assemblies or government boards.

The author of the scheme appears to have had his suspicions that it would not work, for in another place we find a proposition for reconstructing parliament upon a new basis.

"It is singular that no member of either house should have recurred to the original character of these popular assemblies, which have always prevailed amongst the northern nations. We still retain, in the antique phraseology of our statutes, the term which might have beneficially guided a modern reformer in his reconstructive labours.

"When the crowned Northman consulted on the welfare of his kingdom, he assembled the *estates* of his realm. Now an estate is a class of the nation invested with political rights. There appeared the estate of the clergy, of the barons, of other classes. In the Scandinavian kingdoms to this day the estate of the peasants sends its representatives to the diet. In England, under the Normans, the

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church and the baronage were convoked, together with the estate of the community, a term which then probably described the inferior holders of land, whose tenure was not immediate of the crown. This third estate was so numerous, that convenience suggested its appearance by representation, while the others, more limited, appeared, and still appear, personally. The third estate was reconstructed as circumstances developed themselves. It was a reform of parliament when the towns were summoned.

"In treating the house of the third estate as the house of the people, and not as the house of a privileged class, the ministry and parliament of 1831 virtually conceded the principle of universal suffrage. In this point of view the ten-pound franchise was an arbitrary, irrational, and impolitic qualification. It had, indeed, the merit of simplicity, and so had the constitutions of Abbé Siéyes. But its immediate and inevitable result was Chartism.

"But if the ministry and parliament of 1831 had announced that the time had arrived when the third estate should be enlarged and reconstructed, they would have occupied an intelligible position; and if, instead of simplicity of elements in its reconstruction, they had sought, on the contrary, various and varying materials which would have neutralized the painful predominance of any particular interest in the new scheme, and prevented those banded jealousies which have been its consequences, the nation would have found itself in a secure condition. Another class, not less numerous than the existing one, and invested with privileges not less important, would have been added to the public estates of the realm; and the bewildering phrase, 'the people,' would have remained what it really is, a term of natural philosophy, and not of political science."

It is too much to say of the framers of the Reform Bill that they treated the House of Commons as the house of the people, and virtually conceded the principle of universal suffrage. They treated it as a House in which the people should have somewhat more influence than before, but their avowed intention was to reform it so as still to maintain the ascendency of the landed aristocracy; and in this object they fully succeeded. In other respects no intelligible principle was pursued. The Reform Bill did not concede personal representation, for the masses are excluded; nor the representation of property, for the wealth of shipowners, fundholders, and the colonial interest gives no electoral qualification. Nor did it concede representation to the middle classes—not even to ten-pound householders, for it placed Harwich on the same footing as Manchester. It gave representation practically and fully but to one class,—the owners of land. Mr D'Israeli apparently would concede it to other classes. How he would carry out the idea we know not, but we presume he would in some way contrive that Mr Soames, the owner of a fleet of

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merchantmen, should have as much legislative influence as the Duke of Newcastle: the directors of the East India Company, and the chairmen of all the great banking and railroad companies, would probably have seats *ex-officio;* Pickford would represent the canal and luggage-van interest. It is quite possible to conceive that a House thus constituted would be a better one than the present, but we have no evidence to prove that such class representation would prevent the "banded jealousies" now deplored. The great class of the public, we suspect, would still have sufficient cause for discontent. Every interest could not be fairly represented upon such a scheme; and yet what one interest ought consistently to be excepted? A practical difficulty also would be found in apportioning the proper number of representatives to each class. The author of 'Coningsby' would not exclude the peasantry; how many members would he give them? How many to soldiers and sailors?* By what rule would he measure the relative importance of each class, and assign it a corresponding position in his national assembly?

The *forte* of Mr D'Israeli is not in reconstruction. Sad to say, the 'New Generation' are only 'Destructives;'—ready to pull down to any extent, but less prepared to build up than the Socialists and Chartists. They are not Whigs, for "the Whigs are worn out;" nor Conservatives, for "Conservatism is a sham;" nor Radicals, for "Radicalism is pollution;" yet if we sought for a specimen of ultra-Radicalism, where should we find one like the following?—

"'Yes,' said Millbank, filling his glass, and pursuing some previous observations, 'all that we want in this country is to be masters of our own industry; but Saxon industry and Norman manners never will agree: and some day, Mr Coningsby, you will find that out.'

"'But what do you mean by Norman manners?' inquired Coningsby.

"'Did you ever hear of the Forest of Rossendale?' said Millbank. 'If you were staying here, you should visit the district. It is an area of twenty-four square miles. It was disforested in the early part of the sixteenth century, possessing at that time eighty inhabitants. Its rental in James the First's time was 120*l.* When the woollen manufacture was introduced in the north, the shuttle competed with the plough in Rossendale; and about forty years ago

* The republican free town of Frankfort on-the-Maine is constituted on the principle of class representation. The *corps legislative* is composed of seventy-five members: one-third elected by operatives, one-third by the learned professions, and one-third by the wealthy citizens. The latter find themselves in a minority upon all questions of taxation, and have to bear the greater part of the burthen—often more than their fair share.

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we sent them the jenny. The eighty souls are now increased to upwards of eighty thousand, and the rental of the forest, by the last county assessment, amounts to more than 50,000*l.*,—41,000 per cent. on the value in the reign of James the First. Now I call that an instance of Saxon industry competing successfully with Norman manners.'

"'Exactly,' said Coningsby; 'but those manners are gone.'

"'From Rossendale,' said Millbank, with a grim smile, 'but not from England.'

"'Where do you meet them?'

"'Meet them! in every place, at every hour; and feel them too, in every transaction of life.'

"'I know, sir, from your son,' said Coningsby inquiringly, 'that you are opposed to an aristocracy.'

"'No, I am not. I am for an aristocracy: but a real one, a natural one.'

"'But, sir, is not the aristocracy of England,' said Coningsby, 'a real one? You do not confound our peerage, for example, with the degraded patrician of the continent?'

"'Hum!' said Millbank. 'I do not understand how an aristocracy can exist, unless it be distinguished by some quality which no other class of the community possesses. Distinction is the basis of aristocracy. If you permit only one class of the population, for example, to bear arms, they are an aristocracy; not one much to my taste, but still a great fact. That, however, is not the characteristic of the English peerage. I have yet to learn they are richer than we are, better informed, wiser, or more distinguished for public or private virtue. Is it not monstrous, then, that a small number of men, several of whom take the titles of duke and earl from towns in this very neighbourhood—towns which they never saw, which never heard of them, which they did not form, or build, or establish: I say is it not monstrous that individuals so circumstanced should be invested with the highest of conceivable privileges,—the privilege of making laws? Dukes and earls, indeed! I say there is nothing in a masquerade more ridiculous.'

"'But do you not argue from an exception, sir?' said Coningsby. 'The question is, whether a preponderance of the aristocratic principle in a political constitution be, as I believe, conducive to the stability and permanent power of a state; and whether the peerage, as established in England, generally tends to that end. We must not forget, in such an estimate, the influence which in this country is exercised over opinion by ancient lineage.'

"'Ancient lineage!' said Mr Milbank; 'I never heard of a peer with an ancient lineage. The real old families of this country are to be found among the peasantry; the gentry, too, may lay some claim to old blood. I can point you out Saxon families in this county who can trace their pedigrees beyond the Conquest; I know of some Norman gentlemen whose fathers undoubtedly came

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over with the Conqueror. But a peer with an ancient lineage is to me quite a novelty. No, no; the thirty years of the wars of the Roses freed us from those gentlemen. I take it, after the battle of Tewkesbury, a Norman baron was almost as rare a being in England as a wolf is now.'

"'I have always understood,' said Coningsby, 'that our peerage was the finest in Europe.'

"'From themselves,' said Millbank, 'and the heralds they pay to paint their carriages. But I go to facts. When Henry the Seventh called his first parliament, there were only twenty-nine temporal peers to be found, and even some of them took their seats illegally, for they had been attainted. Of those twenty-nine not five remain; and they, as the Howards, for instance, are not Norman nobility. We owe the English peerage to three sources: the spoliation of the church, the open and flagrant sale of its honours by the elder Stuarts, and the boroughmongering of our own times. Those are the three main sources of the existing peerage of England, and, in my opinion, disgraceful ones. But I must apologise for my frankness in thus speaking to an aristocrat.'

"'Oh! by no means, sir; I like discussion. Your son and myself at Eton have had some encounters of this kind before. But if your view of the case be correct,' added Coningsby, smiling, 'you cannot, at any rate, accuse our present peers of Norman manners.'

"'Yes, I do. They adopted Norman manners while they usurped Norman titles. They have neither the right of the Normans, nor do they fulfil the duty of the Normans; they did not conquer the land, and they do not defend it.'

"'And where will you find your natural aristocracy?' asked Coningsby.

"'Among those men whom a nation recognises as the most eminent for virtue, talents, and property, and if you please, birth and standing in the land. They guide opinion, and therefore they govern. I am no leveller; I look upon an artificial equality as equally pernicious with a factitious aristocracy; both depressing the energies and checking the enterprise of a nation. I like man to be free, really free, in his industry as well as his body. What is the use of *habeas corpus*, if a man may not use his hands when he is out of prison?'

"'But it appears to me you have, in a great measure, this natural aristocracy in England.'

"'Ah! to be sure! If we had not, where should we be? It is the counteracting power that saves us; the disturbing cause in the calculations of short-sighted selfishness. I say it now, and I have said it a hundred times,—the House of Commons is a more aristocratic body than the House of Lords. The fact is, a great peer would be a greater man now in the House of Commons than in the House of Lords. Nobody wants a second chamber, except a few disreputable individuals. It is a valuable institution for any member of it who has no distinction; neither character, talents, nor

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estate. But a peer who possesses all or any of these great qualifications, would find himself an immeasurably more important personage in what, by way of jest, they call the Lower House.'

"'Is not the revising wisdom of a senate a salutary check on the precipitation of a popular assembly?'

"'Why should a popular assembly, elected by the flower of a nation, be precipitate? If precipitate, what senate could stay an assembly so chosen? No, no, no; the thing has been tried over and over again; the idea of restraining the powerful by the weak is an absurdity; the question is settled. If we wanted a fresh illustration we need only look to the present state of our own House of Lords. It originates nothing; it has, in fact, announced itself as a mere court of registration of the decrees of your House of Commons; and if by any chance it ventures to alter some miserable detail in a clause of a bill that excites public interest, what a clatter through the country, at conservative banquets got up by the rural attorneys, about the power, authority, and independence of the House of Lords: nine times nine, and one cheer more! No, sir; you may make aristocracies by law; you can only maintain them by manners. The manners of England preserve it from its laws; and they have substituted for our formal aristocracy an essential aristocracy; the government of those who are distinguished by their fellow citizens.'

"'But it would appear,' said Coningsby, 'that the remedial action of our manners has removed all the political and social evils of which you complain?'

"'They have created a power that may remove them; a power that has the capacity to remove them. But in a very great measure they still exist; and must exist yet, I fear, for a very long time. The growth of our civilization has ever been as slow as our oaks; but this tardy development is preferable to the temporary expansion of the gourd.'

"'The future seems to me sometimes a dark cloud.'

"'Not to me,' said Mr Millbank. 'I am sanguine; I am the disciple of progress. But I have cause for my faith. I have witnessed advance. My father has often told me that in his early days the displeasure of a peer of England was like a sentence of death to a man. Why, it was esteemed a great concession to public opinion, so late as the reign of George the Second, that Lord Ferrers should be executed for murder. The king of a new dynasty who wished to be popular with the people insisted on it; and even then he was hanged with a silken cord.'"

Tempora mutantur! We have seen the day when the free expression of opinions such as the above, favourable to the abolition of the House of Lords, and all the privileges of the peerage, was held to be sedition, now behold the same sentiments in the guise not of Radicalism, for "Radicalism is pollution," but of a new political gospel; and the vehicle for its propagation

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not Spencean tracts, or the 'Black Dwarf,' but a fashionable novel, which has already passed through three editions!

We find both Radicalism and Toryism in the following attack upon the Whigs:

"It is in the plunder of the church that we must seek for the primary cause of our political exclusion and our commercial restraint. That unhallowed booty created a factitious aristocracy, ever fearful that they might be called upon to re-gorge their sacrilegious spoil. To prevent this they took refuge in political religionism, and paltering with the disturbed consciences or the pious fantasies of a portion of the people, they organized them into religious sects. These became the unconscious prætorians of their ill-gotten domains. At the head of these religionists they have continued ever since to govern, or powerfully to influence this country. They have in that time pulled down thrones and churches, changed dynasties, abrogated and remodelled parliaments; they have disfranchised Scotland, and confiscated Ireland. One may admire the vigour and consistency of the Whig party, and recognize in their career that unity of purpose that can only spring from a great principle; but the Whigs introduced sectarian religion, sectarian religion led to political exclusion, and political exclusion was soon accompanied by commercial restraint."

There is some bitterness in the above, but we think very lightly of its historical accuracy. It may be true that in some cases Whig patronage of Dissenters originated in motives of policy, but the plunder of the church commenced at the Reformation, a century before the terms Whig and Tory were first introduced; and whether the descendants of Whig or Tory families hold in the present day the greater portion of the ill-gotten spoil, is, in our estimation, a very doubtful point, and one it would be somewhat difficult to clear up satisfactorily. Etymology is against Mr D'Israeli, for the "plunderers," in the literal sense of the term, were not the Whigs, but the Tories. The word Tory is derived from the Irish *toruighim*—to pursue for plunder.* The first Tories were Irish outlaws, such as we should now call Whiteboys, or Ribbonmen. The term appears to have been first imported from Ireland, during the civil wars of Charles the First, when it was applied to the Cavaliers; subsequently to all the adherents of the House of Stewart. The word "Whig" is an ancient Scotch term, signifying sour whey; a nickname first given to the Covenanters, and afterwards to their political friends. At the Hanoverian accession there were three parties in the country. Catholics, friendly to James, and hence called *Jacobites;* Protestants friendly to the House of Stewart, offensively called *Tories;* and Protestants opposed to

* Lingard's Hist., xi, 135.

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the House of Stewart, and favourable to the popular rights which James had violated; these were called, in retaliation, by their opponents, *Whigs*. The latter of course came into power upon the landing of the Prince of Orange; but the Whigs were not an anti-church party; they were partly borne into office by the bishops whom James had sent to the Tower. The revolution of 1688 was an anti-Catholic, and to a great extent an anti-Sectarian movement. The most unpopular act of James, in resisting which the bishops took the lead, was his declaration in favour of liberty of conscience; his object being to free the Catholics from the civil disabilities under which they laboured. To effect this it was of course necessary to proclaim a general indulgence for dissent, although there could be no doubt of his disposition to crush the Dissenters, if his own party had prevailed. The Whigs restored the Test Acts to put down Popery; and the Tories would have done the same. Sectarianism had nothing to do with Whig or Tory distinctions. It arose out of the spirit of free inquiry and earnestness in religion which were the characteristics of the age; influences strong enough to govern state policy, rather than to be controlled by it.

The political system which followed the accession of the House of Hanover was the result, not of "Whiggism," but of a natural and unavoidable compromise between the antagonistic principles of parliament and prerogative; and it is trifling with history to throw the blame of "commercial restraint" upon the Whigs. Legislative interference with freedom of industry is of the earliest antiquity. The first protective corn law was passed in 1463. This was the 3 Edw. IV, c. 2, prohibiting the importation of wheat when the price did not exceed 6s. 8d. per quarter. In subsequent reigns laws were passed to make food cheap, by levying duties upon the exportation of corn:—a popular object, but only "commercial restraint" in another form. At the revolution of 1688 these duties were changed by William into bounties upon exportation, to make wheat dear. But this was not Whig craft, but King craft, for its object was to conciliate the great Tory landowners, who continued secretly opposed to the new dynasty.

Mr D'Israeli is unjust to the Whigs, but there is balm in Gilead; he endeavours to make amends by some compliments to their leader.

"Lord John Russell has that degree of imagination which, though evinced rather in sentiment than expression, still enables him to generalize from the details of his reading and experience; and to take those comprehensive views which, however easily depreciated by ordinary men in an age of routine, are indispensable to a statesman in the conjuncture in which we live. He understands, therefore,

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his position; and he has the moral intrepidity which prompts him ever to dare that which his intellect assures him is politic. He is consequently at the same time, sagacious and bold in council. As an administrator he is prompt and indefatigable. He is not a natural orator; and labours under physical deficiencies which even a Demosthenic impulse could scarcely overcome. But he is experienced in debate, quick in reply, fertile in resource, takes large views, and frequently compensates for a dry and hesitating manner by the expression of those noble truths that flash across the fancy and rise spontaneously to the lip, of men of poetic temperament when addressing popular assemblies. If we add to this a private life of dignified repute, the accidents of his birth and rank, which never can be severed from the man, the scion of a great historic family, and born as it were to the hereditary service of the State; it is difficult to ascertain at what period or under what circumstances the Whig party have ever possessed or could obtain a more efficient leader."

Much of this eulogium is deserved, but the fact assumed that Lord John Russell understands his position needs better evidence than the testimony of 'Coningsby.' The difference between the position of Lord John Russell now, and in 1833, when the Whig party comprised three-fourths of the House of Commons, is not the most satisfactory indication of comprehensive views, or skilful leadership. His position was *mined* at the very time when, with blind confidence in its strength, he proclaimed the 'finality' of the Reform Bill. His present position, personally, is a false one, as the representative of a corrupt constituency which he ought to have reformed, and as the advocate of a fixed duty on corn, which must be abandoned. But the truth is that neither Whig nor Tory leaders understand their position. They alike act upon shallow notions of expediency which the public have learned to see through. Party tactics are now only party blunders. The position to be assumed by a statesman who would govern, is that of a man thoroughly in earnest upon all questions, great or little, connected with public improvement; and one capable of giving them a practical direction. A leader is not wanted merely to fight half-a-dozen pitched battles during a session. Struggles for place have ceased to interest the public. We ask with 'Coningsby' of the Conservatives, 'What is it you wish to conserve?' Of the Whigs, 'What do you desire to build?'

Mr D'Israeli's sketch of the character of the Duke of Wellington is a less flattering, but a more faithful portrait of that distinguished but much overrated chieftain.

"The Duke of Wellington has ever been the votary of circumstances. He cares little for causes. He watches events rather

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than seeks to produce them. It is a characteristic of the military mind.* Rapid combinations, the result of a quick, vigilant, and comprehensive glance, are generally triumphant in the field; but in civil affairs where results are not immediate, in diplomacy and in the management of deliberative assemblies, where there is much intervening time and many counteracting causes; this velocity of decision, this fitful and precipitate action is often productive of considerable embarrassment, and sometimes of terrible discomfiture. It is remarkable that men celebrated for military prudence are often found to be headstrong statesmen. A great general in civil life is frequently and strangely the creature of impulse, influenced in his political movements by the last snatch of information; and often the creature of the last aid-de-camp who has his ear."

Mr D'Israeli's opinion of Sir Robert Peel appears to have undergone considerable modification since the appearance of 'Coningsby.' In the novel, we find the present Prime Minister painted in very favourable colours, but Mr D'Israeli's recent declaration of want of confidence in the government, and his vote against it on the Sugar duty question, will be fresh in the recollection of the public. The new generation, therefore, as far as it is represented by the author of 'Coningsby,' may fairly be charged with inconsistency. It professes to deplore the want of faith, and itself sets an example of universal scepticism. Mr D'Israeli has no faith in men or measures, parties or institutions; not even faith in the Church as it is, but only in some spiritual ideal of the past, which to sober imaginations never existed.

"Now tell me, Coningsby, exactly what you conceive to be the state of parties in this country; for it seems to me that if we penetrate the surface, the classification must be more simple than their many names would intimate.

"The principle of the exclusive constitution of England having been conceded by the acts of 1827-8-32," said Coningsby, "a party has arisen in the State who demand that the principle of political liberalism shall consequently be carried to its extent, which it appears to them is impossible without getting rid of the fragments of the old constitution that remain. This is the destructive party; a party with distinct and intelligible principles. They seek a specific for the evils of our social system in the general suffrage of the population."

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* A writer, in 'Frazer's Magazine' for August, has drawn attention to the importance of military reform in a paper deserving general perusal, entitled 'Military Tableaux' (page 183—189). He shows, without appearing to reflect upon the Duke of Wellington (the great upholder of the present system), how much will be left to the Duke's successor to complete the efficiency of the British army. The evils arising from promotion by purchase, and the defective training of private soldiers dwelt upon by the writer, have been before pointed out in this Review; but the subject is one to which we shall return.

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The term 'destructive' is here misapplied. To extend is not to destroy. He who would abolish the suffrage altogether is the true 'destructive;' and no one has proposed to do so but Mr D'Israeli. Chartism itself has never contemplated such sweeping changes in Church and State as those proposed in 'Coningsby.'

"They are resisted by another party, who having given up exclusion would only embrace as much liberalism as is necessary for the moment; who, without any embarrassing promulgation of principles, wish to keep things as they find them as long as they can, and then will manage them as they find them as well as they can; but as a party must have the semblance of principles, they take the names of the things that they have destroyed. Thus they are devoted to the prerogatives of the Crown, although, in truth, the Crown has been stripped of every one of its prerogatives; they affect a great veneration for the Constitution in Church and State, though every one knows that the Constitution in Church and State no longer exists; they are ready to stand or fall with the 'independence of the Upper House of Parliament,' though in practice they are perfectly aware that with their sanction the 'Upper House' has abdicated its initiatory functions, and now serves only as a court of review of the legislation of the House of Commons. Whenever public opinion, which this party never attempts to form, to educate, or to lead, falls into some violent perplexity, passion, or caprice, this party yields without a struggle to the impulse, and when the storm has passed, attempts to obstruct and obviate the logical, and ultimately the inevitable results of the very measures they have themselves originated, or to which they have consented. This is the Conservative party.

"I care not whether men are called Whigs or Tories, Radicals or Chartists, or by what nickname a bustling and thoughtless race may designate themselves; but these two divisions comprehend at present the English nation.

"With regard to the first school, I for one have no faith in the remedial qualities of a government carried on by a neglected democracy, who, for three centuries, have received no education. What prospect does it offer us of those high principles of conduct with which we have fed our imagination and strengthened our will? I perceive none of the elements of government that should secure the happiness of a people and the greatness of a realm."

Mr D'Israeli has no faith in democracy, but he should speak respectfully of the Chartists, whose plans of reconstruction are far more clear and intelligible than his own. The objects he would pursue are vague and undefined. He would be governed neither by the Peers nor the people, and we think better of him than to believe he is quite prepared to be trodden upon by those who minister before the altar or the throne.

The Church we know is a great principle with the 'new generation,' but what Church? Our new fashionable destructives in poli-

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tics are but New Jerusalemites in religion. The Church of England, as by law established, is not, in their eyes, that promised city in which dwelleth righteousness. The authorities of this school tell us of forms, fasts, festivals, saints, saintly observances, and many things unknown to the Church of England, or long since forgotten in the sleep of orthodoxy. The truth is, that the religious creed 'Young England' is merely a poetical illusion. They worship a picture which time has improved by mellowing the tints, and softening or concealing every harsh feature. They look back into the dim past and are struck with the forms of the mighty dead. Their minds are impressed with the grandeur of the Church of Rome, when the world bowed to Spiritual influence. That influence they would restore for good purposes, utterly unconscious of the fact that the human mind must first be crushed to effect the object, and wholly blind to the mightier influences now at work, by which that object must be defeated. The fallacy of the new philosophy, both in its political and religious application, may easily be detected in the following.

"In this country," said Sidonia, "since the peace, there has been an attempt to advocate a reconstruction of society on a purely rational basis. The principle of utility has been powerfully developed. I speak not with lightness of the labours of the disciples of that school. I bow to intellect in every form; and we should be grateful to any school of philosophers even if we disagree with them; doubly grateful in this country, where for a long period our statesmen were in so pitiable an arrear of public intelligence. There has been an attempt to re-construct society on a basis of material motives and calculations. It has failed. It must ultimately have failed under any circumstances; its failure in an ancient and densely-peopled kingdom was inevitable. How limited is human reason, the profoundest inquirers are most conscious. We are not indebted to the reason of man for any of the great achievements which are the landmarks of human action and human progress. It was not reason that besieged Troy; it was not reason that sent forth the Saracen from the desert to conquer the world; that inspired the crusades; that instituted the monastic orders; it was not reason that produced the Jesuits; above all, it was not reason that created the French Revolution. Man is only truly great when he acts from the passions; never irresistible but when he appeals to the imagination. Even Mormon counts more votaries than Bentham.

"And you think, then, that as imagination once subdued the State imagination may now save it?

"Man is made to adore and to obey; but if you will not command him—if you give him nothing to worship—he will fashion his own divinities, and find a chieftain in his own passions."

We join issue with Mr D'Israeli upon all the facts here as-

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sumed. It is not true that Mormon counts more votaries than Bentham: for Benthamite read Utilitarian, and it is manifest that we live in an age of Benthamites. Reforms or measures of improvement, framed upon some Benthamite model, are of every-day occurrence. D'Israeli himself is a Benthamite, though like Peter, one who disowns his master, and follows him only afar off. 'Coningsby' is a Benthamite novel; that is, a novel written solely with a view to utilitarian or political objects. It is unfortunate for the world that Bentham is so recently dead, for antiquity is indispensable to the heroic and sublime. Had he been a Monk of the middle ages (and Monks were sometimes given to philosophy) the Young England of the present day would have invested him with the odour of sanctity, and *Saint* Bentham would have held the first place in the Calendar. We regret that it was not so, for in that case the works of Bentham would have been better studied, and we should not have had the nonsense in 'Coningsby' about the identity of "passion" and "greatness."

It is obvious, however, that the mistakes of Mr D'Israeli proceed from the study of pictorial and poetical effects, and his habit of confounding them with causes. He calls the siege of Troy a great achievement. Why? What was there in the siege of Troy more than in a thousand sieges, of which all authentic record has been lost? Homer's 'Iliad' was the great achievement; and that we submit to all judges of composition was not a work thrown off at a heat by one whose only gift was a strong imagination. Reason had something to do with it as well as impulse; Homer must have possessed intellectual powers of the highest order.

The progress of Mahomedanism, the Crusades, the French revolution, are great events in history, but where is the proof that the producing causes were impulse and imagination? The world never goes mad but that there is some method in its madness. A multitude appears on the scene, but what is there behind? The strong reason of some powerful mind, blinded perhaps by self-interest, drawing perhaps conclusions from false premises, but still reasoning, and thereby guiding and controlling the imagination of the multitude. Revolutionary epochs illustrate less the power of imagination than the irresistible energy of the human will, called into action by strong and earnest convictions; an energy not the less irresistible when it has a wise and beneficent direction. There is a pleasurable excitement in scenes of conflict; a battle has its pictorial effects for the artist, but true greatness is not there. Charles the Vth, victorious over France at Pavia, was not so great a man as Charles the Vth conquering his own ambition, and voluntarily resigning the sovereignty of Europe.

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There have been revolutions unaccompanied with horrors and excesses, and in them we should look for the really great epochs of human history. Opinion has often progressed in favour of some mighty change, silently acquiring power at every step, till it has at length willed the change, and it has been accomplished; as miraculously to outward appearance, as when God said "let there be light, and there was light." Imagination cannot carry farther the sublime and beautiful.

The imagination of Mr D'Israeli does not rise to the sublime; it is that of an artist whose taste is confined to grouping and colouring. Still it is the artist, not the philosopher, we recognise in 'Coningsby;'—one to whom history would be a blank without pictorial illustrations. The first thought is not of principles or their operation, but of an effective tableau; and it is curious to trace this disposition of mind in his hostility to the "fatal poor law." What could artist or poet make of the workhouse test and oatmeal gruel; but with out-door relief how many subjects for the pencil! Take the following for a picture, worthy a place in the next Exhibition, were it not unhappily designed as a substitute for argument.

"As they approached the brow of the hill that hung over St Geneviève, they heard the great bell sound.

"'What is that?' asked the duchess.

"'It is almsgiving day,' replied Mr Lyle, looking a little embarrassed, and for the first time blushing. 'The people of the parishes with which I am connected come to St Geneviève twice a week at this hour.'

"'And what is your system?' inquired Lord Everingham, who had stopped, interested by the scene. 'What check have you?'

"'The rectors of the different parishes grant certificates to those who in their belief merit bounty, according to the rules which I have established. These again are visited by my almoner, who countersigns the certificate, and then they present it at the postern-gate. The certificate explains the nature of their necessities, and my steward acts on his discretion.'

"'Mamma, I see them,' exclaimed Lady Theresa.

"'Perhaps your grace may think that they might be relieved without all this ceremony,' said Mr Lyle, extremely confused. 'But I agree with Henry and Mr Coningsby, that ceremony is not, as too commonly supposed, an idle form. I wish the people constantly and visibly to comprehend that property is their protector and their friend.'

"'My reason is with you, Mr Lyle,' said the duchess, 'as well as my heart.'

"They came along the valley, a procession of nature, whose groups an artist might have studied. The old man, who loved the

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pilgrimage too much to avail himself of the privilege of a substitute accorded to his gray hairs. He came in person, with his grandchild and his staff. There also came the widow with her child at her breast, and others clinging to her form; some sorrowful faces, and some pale; many a serious one; and now and then a frolic glance; many a dame in her red cloak, and many a maiden with her light basket; curly-headed urchins with demure looks; and sometimes a stalwart form, baffled for a time of the labour which he desired. But not a heart there that did not bless the bell that sounded from the tower of St Geneviève."

It is somewhat singular that the son of the author of 'Curiosities of Literature,' a work of some research, should never have met with an old book written by one Matthew, long before the time of St Geneviève, and which, there is good reason for believing, was much respected as an authority both by that particular saint and every other saint who has had bells cast or towers erected to his or her memory. Fortunately the book to which we refer is still extant, (though we believe not to be met with in any of the club libraries,) and it is possible, therefore, to discover by implication what were the opinions of St Geneviève on this very subject of almsgiving; or at least the opinions which she might, could, would, or should have entertained if the infant schools of the sixth century, in which St Geneviève learnt to read, had been properly supplied with scripture lesson books, and we presume there could have been no deficiency of the more essential in that early age of the church. We quote from the sixth chapter:—

"1. Take heed that ye do not your alms before men, to be seen of them: otherwise ye have no reward of your Father which is in heaven.

"2. Therefore when thou doest thine alms do not sound a trumpet before thee (bells were not then in use), as the hypocrites do in the synagogues and in the streets, that they may have glory of men. Verily I say unto you, They have their reward.

"3. But when thou doest alms, let not thy left hand know what thy right hand doeth:

"4. That thine alms may be in secret: and thy Father, which seeth in secret, himself shall reward thee openly."

We doubt not that many of the pharisees of old had the same notions as Mr Lyle of the propriety of teaching the poor "that property is their protector and friend," but the casuistry of such a defence then and now avails nothing, for public almsgiving never effects the object. He who adheres to the forms of ostentatious charity will be supposed to do so from other motives than benevolence. He will be secretly despised and hated by the

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recipients of his bounty. It is this very thing which produces the charge of ingratitude so often made by the rich against the poor;—and for what should the poor be grateful? Not for the crumbs that fall from the table of Dives, which could well be spared, but for real sympathy; and that does not make itself felt by bell ringing. Let Mr D'Israeli endeavour to realize his own picture. Let him imagine the widow in his village procession a relative of his own—a sister, a mother—broken down with age or penury, reduced to seek some humble asylum in the country, near a nobleman's mansion, and once a week compelled to parade her poverty in the eyes of the world, and trudge a weary mile at the ringing of a bell for—a basket of broken victuals. Would the son of such a widow become the eulogist of the great, or a rick burner? Apart from these considerations there are others scarcely less important. Few who have lived in a rural district do not know that such a neighbour as Mr Lyle, who would set the bells of a high tower ringing to proclaim his benevolence, would be a public pest. The district would be immediately invaded by the hordes of travelling mendicants who adopt distress as a profession, and by a freemasonry among themselves soon learn the residence of a new client. The duty of public and almost indiscriminate almsgiving is one of the most fatal errors of the Roman Catholic church. When proclaimed from the pulpit, as it often is, a country is inevitably demoralized. Protestantism was favourable to industry, for it led men to reflect that heaven could not be purchased. Catholics do not say that it can, but they dwell more upon what are called good works. Beggars therefore swarm, and swarm most in Roman Catholic states; witness Ireland, Italy, Spain.

We have not leisure to comment on many other positions in 'Coningsby' too hastily assumed. A word only upon his chivalrous defence of the Hebrew race—a striking feature in the book, and one denoting a trait of character worthy of all respect. His list of distinguished men and women of Jewish extraction—Soult, Massena, Mendelssohn, Malibran, Grisi, &c. &c., fairly took us by surprise. It was some consolation to find that Locke, Newton, Milton, and Shakspeare were not on the list. But the advocate has been too zealous for his cause. He has injured it by attempting to prove too much. If it be true, as he tells us, that the 'Mosaic Arabs' are physically superior to every other race, and that the tendency of most other races is to extinction, how comes it that the Jews before the dispersion yielded in turn to Assyrians, Egyptians, Greeks, and Romans, and have since remained numerically inferior to the populations by which they have been surrounded in every part of Europe, while in no country have they

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succeeded in wresting political power from the grasp of Celt, Saxon, or Sclavonian? However, we will not contest the point. The Jews have played their part in the world's drama. All honour to the house of Israel; and honour to B. D'Israeli, the author of 'Coningsby.' With him our differences of opinion involve no unkindly feeling; we bid him farewell and God speed.

H.

ART. III.—*Quid Pro Quo, or the Day of Dupes. The Prize Comedy, in five Acts.* As performed at the Theatre Royal, Haymarket, Tuesday, June 18th, 1844.

A FRENCH philosopher, of the Optimiste school, was one day discoursing on the excellence of nature, in her adaptations of means to ends. After specifying many striking instances, such as the Bee and the Beaver, he arrived at the consideration of Man, upon whose frame he grew physiologically eloquent. A little hunchback present opposed all the philosopher's argument with sneers, and when the beauty and wonder of man's frame was cited, he exclaimed, "Eh, bien! regardez moi donc, comme je suis bâti, moi! avec le ventre aplati et le dos comme ça!" The philosopher was not to be out-argued: "Eh bien, Monsieur!" he retorted, "Vous êtes parfaitement bien bâti, supérieurement bâti—pour un Bossu!" In the spirit of the philosopher we declare against all sneerers, that 'Quid Pro Quo' is a fine comedy—for a prize-comedy.

Nobody seems to have been fully aware of this distinction. Angry sarcasms, contemptuous shoulder-shrugs, and fiery critiques have assailed 'Quid Pro Quo'; the authoress has been abused, the Prize Committee has been laughed at, and the manager has been assailed in all ways—all upon a *malentendu*. The comedy is vulgar, trashy, false, dull, altogether bad? Granted; but, like pug-dogs, it is prized for its ugliness. Are the critics so young as not to be aware that dulness is the condition of prize poems, as fatness is the condition of prize oxen? An ox does not gain the prize by beauty, strength, or disposition; he gains it by fat, good, honest, appreciable fat; fat, which can be weighed by the commonest scales; fat, which always having gained the prize will always continue to gain it. In the same way it was not to be expected that a comedy would gain the prize by wit, truth of character, or interesting story; it could only gain it by intrinsic dulness. 'Quid Pro Quo' perfectly fulfils that

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condition; it is, perhaps, the worst comedy ever printed; undeniably the worst that we ever read.

'Quid Pro Quo' was selected from ninety-seven rivals. It was unanimously declared, by a Prize Committee of honourable and mostly well known gentlemen, to deserve the prize. The angry champions of the rejected plays have, however, Mrs. Gore tells us, "injured their own cause, by convincing the public how bad must be the dramas unanimously voted inferior to the comedy they so vehemently disparage." But this is begging the question. The ninety-six rejected authors unanimously declare that their plays were not inferior to 'Quid Pro Quo.' This, too, is begging the question; though we confess it somewhat passes our conception, how ninety-six plays could be inferior to 'Quid Pro Quo,' great as are the powers of ingenious dulness.

The whole thing is a riddle which we cannot pretend to solve. We notice it, however, as a striking evidence of the want of sound views on the part of managers and actors, as to what really constitutes dramatic excellence. We have more than once opened this question in our pages; our argument derives immense support from the present comedy.

On an occasion like this there must be no equivocation, no veiling of objections in complimentary language, no apologetic slaughter; we must speak plainly. We shall have to break a lance indeed against a lady; but it would be an insult Mrs Gore would be the last to accept, to treat one of the most successful authors of the day as a weak and unprotected female.* It is not a pleasant task we have undertaken, but it is a very necessary one. If we should have the misfortune to pain Mrs Gore, we would bid her remember that there are ninety-six authors whose self-love has been wounded, whose time has been wasted; some, whose hopes, perhaps, amongst their most cherished hopes, have been disappointed by the awarding of the prize: ninety-six angry men who need consolation, and who, we cannot but think, deserve it.

In a very injudicious and flippant preface, Mrs Gore tells us her object was to produce "a bustling play of the Farquhar, or George Colman school." With such an object, to produce only a bustling play of the 'London Assurance' school, is a tremendous failure. Is Mrs Gore unaware of the fact, that Farquhar is perhaps the greatest of all our writers of prose comedy? Does she suppose that the 'Beaux Stratagem' is to be rivalled by

* To guard against another misconception we are bound to declare that the *present reviewer is not one of the ninety-six unsuccessful rivals*, as Mr. Webster will certify when he looks at the signature appended to this article.

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a flippant, vulgar, thoroughly-false, five-act farce; containing solecisms of manners as of language, vapid puns, and incredible motives? The presumption of this is painful, almost as painful as the impertinence and error implied in the following:—

"Were the boxes often filled as I had the gratification of seeing them for the first representation of 'Quid Pro Quo,' with those aristocratic and literary classes of the community who have absolutely withdrawn their patronage from the English stage, *for their more refined pleasure* a new order of dramatic authors would be encouraged to write, and of performers to study. But no one familiar with the nightly aspect of our theatres will deny that they are supported by a class requiring a very different species of entertainment; *for whose diversion, exaggeration in writing and acting is as essential, as daubing to the art of the scene-painter.*"

This is altogether a mistake. The audiences upon whom Mrs Gore looks down with such contempt, although they be not fashionable, are not to be imposed upon so easily.

Zwar sind sie an das Beste nicht gewöhnt
Allein sie haben schrecklich viel gelesen.

They have not 'the more refined pleasures' of Mrs. Gore's friends; nor is it desirable that they should, if Mrs. Gore's portraits are correct; for a more vulgar, ignorant, and everyway despicable society, than that which figures in the greater part of her novels, it would be difficult to select. Let the play-goers be thankful that they do not resemble it! Moreover, the play-going public, credulous and tolerant as it is, will not tolerate such comedy as that of 'Quid Pro Quo.' The passage excusing exaggeration by referring it to the principle of scene painting, is as bad in logic as in taste. A scene painter daubs, but he daubs with a cunning hand; he calculates the distance from which his scene is to be regarded, and lays on his colours accordingly. If he were so ignorant of his art as to paint a scene that should look like daubing to the pit, he would be hissed, as Mrs Gore was hissed when she exaggerated manners and motives so much that the pit was aware of the exaggeration. Daubing for effect is art; daubing for daubing's sake is impertinence; the former requires sound knowledge of art and its means, the latter requires only a reckless ignorance. Farquhar also exaggerates, but not exactly in the style of 'Quid Pro Quo.'

Well worthy of remark is it, that in an attempt towards the revival of English comedy, for which a prize of 500*l.* was awarded, and which the prologue assures the audience would picture English manners as they are, does, in truth, picture neither English manners, nor the manners of any nation

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under the sun; it pictures English *stage*-manners and no more. The cringing attorney, the obsequious cit, the scheming lord, the toad-eating captain, the sententious moralist, and the match-making countess of 'Quid Pro Quo,' have been heirlooms of the stage from time immemorial; but they have only been recently made use of by third-rate writers. 'Quid Pro Quo,' if meant as a picture of English manners, is an insult to the whole nation. Lawyers, who are the agents of great earls, are not the cringing rascals typified by Cogit; they may sometimes be rascals, but they are mostly gentlemen in manners, and cringe to no one, not at least in that gross style. Conceive a lawyer so overwhelmed with a lord's kindness in giving him his hand, that he actually *kisses* that lordly hand! A clear case of libel. We will say nothing of the Grigsons; Mrs Gore, of course, cannot be expected to know much of such low people. But the Earl and Countess of Hunsdon? surely Mrs Gore may be expected to know something of the class to which they belong, having written so very many novels on the subject. Now, we would beg to ask 'the aristocratic classes' which left 'their more refined pleasures,' and condescended for once to enter a theatre, where low people congregated to see Mrs Gore's English comedy, what truth there is in the portraits of the Earl and Countess of Hunsdon? We say nothing of their *manners;* we will not ask whether any Earl or Countess ever adopted such manners elsewhere than 'in their more refined pleasures;' we will only ask if it is not a gross error to suppose that an earl, a countess, a young lord, and a baronet, could be deceived by a lieutenant in the navy, who assumes a title, and is claimed by them as one of their 'set?' The aristocracy of England is composed of a few families, all of which are perfectly acquainted with each other; if they do not visit amongst themselves, they are always aware of each other's existence. To attempt to impose on them by the assumption of a title, would be madness anywhere, except upon the stage; there it is daubing. We would also ask if it is the condition of every nobleman, who is neither a despicable schemer, or a horse jockey, to be the sententious utterer of intolerable impertinences? Could Sir George Mordent be admitted into society? Is it the privilege of a gentleman to talk with impunity in this style to an earl?

"Come! come! if you talk so strenuously you may end by convincing *yourself*. You are not on the hustings of Oldfield, or in the chair of a mechanics' institute! *There is not a soul here to be taken in.*"

Observe, this is not only meant for gentility, but for wit! and

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is rather good wit too, if compared with the rest of the play. There is one point which, in 'a picture of English manners as they are,' must be rather afflicting to those who take the picture as a correct representation; we mean the insufferable vulgarity which permeates it: vulgarity which cannot be kept even from the language. In Grigson, vulgarity is 'of course;' in Lord Bellamont, it is meant satirically; in Sippet, it is professional. But why must every one else in the play talk such slang?

There is another point which 'in an attempt towards the revival of English comedy,' must also be afflicting to those who regard 'Quid Pro Quo' as a fair specimen; we mean the absence of anything like wit or humour. The novels of Mrs Gore have a reputation for considerable smartness, which, with novel readers passes for wit; we are not aware of any of these witticisms having got into circulation, or indeed, of ever being repeated. Certain it is, that 'Quid Pro Quo' has not a particle of the *vis comica*, much less of wit. All the ninety-six rejected authors will probably, on reading the Prize Comedy, exclaim with Aristophanes:

Ὅστις οὖν τούτοισι γελᾷ, τοῖς ἐμοῖς μὴ χαιρέτω.
(Nubes 560).

Those who laugh at *Quid Pro Quo*,
Would never laugh at mine, I know."

We will select some specimen jokes. They mostly partake of the genus pun; and are generally forced into existence by bad grammar, slang, or impertinence. *E. g.*:—"In fashionable parlance, my dear fellow, *blue* means any literary lady who is not deep *read*." "Kittens should never see the old cats come to the *scratch*." "My *voyage* was by *land*—my *journey* by *steam*; no great *shakes*, though the deuce of a *rattle*." A bishop's see is mentioned as being stormy; the smart rejoinder is, "I don't know about his lordship's see, but it blew great guns in ours t'other day, in the Bay of Biscay." "My father is to have the vacant thistle." "Thistle? that sounds as if he were an old donkey." "Bear sir, and forbear, like a bear as you are." These are the plums. We will now select a volley of jokes:—

"*Hen.* I really can't say! My uncle purchased his property during my absence.

"*Sip. Purchased* it?—Young man! if you respect yourself never talk of buying a seat—unless in Parliament. The ancestors of the Hunsdons gave a *dejéuner à la fourchette* at *their* castle to William the Conqueror, on his landing from Normandy.

"*Hen.* The more sneaks they!

"*Sip.* Sneaks—sir!—The Earl of Hunsdon is the most consider-

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able man, and his castle the most considerable castle, in this part of the country.

"*Hen.* With all my heart! They may *be the Elephant and Castle for what I care to the contrary.* (*Aside.*) How shall I shake the fellow off?

"*Sip.* (*seizing him by the button.*) Between friends (HENRY *shows surprise*)—that is, between acquaintances—I'm come here to organize the dear Countess's private theatricals! As if all theatricals were not private enough in these days, the drama gives herself the airs of retiring into private life, enjoying her *otium cum dignitate*, and so forth!

"*Hen.* Come, come, if steam have done up the *mail*, don't let us blow up the *stage*.

"*Sip.* (*aside.*) Not so bad for a snob! *Mem.*, book that for the Castle."

The next specimen rivals it:—

"*Mor.* Lady Mary and her stage-struck mamma have lost their hearts, at first sight, to one of the most flagrant specimens of the slang school it was ever my ill-luck to encounter. But great people are privileged, you know, to have *extraordinary animals* in their *arms*—

"*Riv.* And *monsters* for *supporters!*—(*laughs.*) But tell me, dear sir! How is this wretched mistake to be rectified?—You have announced me, you say, to Lord Hunsdon, as a suitor to his daughter; and he expresses the utmost eagerness for the match?—

"*Mor.* He would do as much for the Hoppo of Canton, if he were heir to my estates! Hunsdon is miserably out at elbows; and fancies that decay in families, as in teeth, may be stopped by *gold!*—

"*Riv.* But I cannot leave him in error as to my intentions; and should he resent my seeming change of mind—

"*Mor.* He was too long a member of the cabinet *for changes of mind* to surprise him!

"*Riv. What steps*, then, would you advise me to take, sir?

"*Mor. Your carriage steps!*—Make the best of your way back to town!"

This is certainly curious dialogue in a comedy of the Farquhar school; and we assure our readers that it is this style of wit that is kept up throughout the play. The only happy passage is this description of a country seat:

"*Hen.* Country seat!—Now, my dear aunt! A staring red-brick house in the middle of a grass plot, like a lobster garnished with parsley, standing behind iron gates in the market-place!—own brother to a preparatory school!"

There is also one joke which probably excited a laugh from its extravagance; it is Mrs Grigson's saying that her "gray hairs will be brought in sorrow to a—wig." Perhaps, also, Mr Grig-

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son's catchword of "Mrs G. you are a wag," may have moved the mirth of Olympus. Beyond these we see no opportunity for a smile. The most singular part of this ostentation of stale puns, is that they are introduced for their own sake, and keep the action of the play at a stand still while they are being uttered. But like Bayes in the Rehearsal, the authoress may exclaim, "Plot stands still! why what the devil is the plot good for but to bring in fine things?" Certainly we know of no worse purpose for which the plot could be made available.

That a comedy so deplorably destitute of every vestige of comic genius, destitute even of ordinary literary ability, should have carried off the prize from ninety-six competitors, some of whose names are guarantees for a considerable amount of literary excellence at least, is certainly a fact worthy of very serious attention. The committee was unanimous in its verdict. The men who pronounced this verdict were men whose names are sufficient to exclude all suspicion of partiality. It was a verdict framed after mature consideration by experienced men. We have not seen one of the ninety-six rival plays; but, from all we know of dramatic literature, we find it impossible to believe that they were worse than 'Quid Pro Quo.' Our conviction therefore is, that the prize comedy was judged as prize oxen are judged. It gained the victory because it possessed the highest degree of conventional excellence—that which theatrical people regard as the sole merit of a play. There is a special ugliness which constitutes the surpassing beauty of the pugdog; there is also a special badness which is supposed to secure the success of a comedy.

This is the point. Suspicion of the impartiality of those who adjudged the prize never being entertained, suspicion of their capacity has naturally been rife; the committee is pronounced honest but incapable. Against this we must raise our objection. It appears to us that the committee judged as all committees would have judged; it looked at the comedies with reference *to the stage*, not with reference to wit, humour, character, or originality. 'Quid Pro Quo' was pronounced to be the nearest approach to the stage ideal; that is to say, what theatrical people conceive will ensure success. Ask any member of the committee whether he thought 'Quid Pro Quo' witty, and he will assuredly answer, No;—true? no;—original? not at all? What then is it? Safe; very safe; contains no new characters, no new motives, no new situations, therefore has nothing experimental, nothing dangerous. The plot is old, the situations are old, the characters are old, the jokes are old, very old. Everything in 'Quid Pro Quo' has succeeded before;

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often succeeded, and will succeed again. It is best to keep to old-tried means; you have then a very safe play. Anything new is likely to fail. Comedy is so difficult, and the public so capricious. As the father of riotous fun says:—

Κωμῳδοδιδασκαλίαν εἶναι χαλεπώτατον ἔργον ἁπάντων
Πολλῶν γὰρ δὴ πειρασάντων αὐτήν, ὀλίγοις χαρισασθαι.
Equites, 516.

"Miss Comedy is a sad flirt, I have heard,
Though many are courting her, few are preferred."

This we believe to have been the secret reason guiding the judgment of the committee. The judges were not asked to decide which comedy they thought the cleverest, but which comedy would "draw" best; and they unanimously decided on 'Quid Pro Quo.' An error, perhaps, but an error which, in the present state of theatrical knowledge, is very pardonable.

Aristophanes says there is nothing more difficult than to write a good comedy; with deference to his authority, we venture to suggest that it is not more difficult to write a good comedy than to judge correctly of it when written. Nothing but the positive test of acting can decide the merit of a play. Critics may judge of its wit, truth, and the depth of character displayed; critics may tell how near it approaches to Molière or Farquhar; actors can tell whether the "parts" will suit them; managers can tell whether the incidents are "practicable," *i. e.* whether they have succeeded before; but no one can tell whether the play will succeed. The history of the stage has furnished abundant examples of plays succeeding contrary to all expectation, and of failing in spite of great merits. Many of Morton's comedies are destitute of every trace of literary ability; yet they were successful. On the other hand, Douglas Jerrold's 'Bubbles of the Day' kept the audience in continued laughter solely by its witticisms. The 'Iron Chest' was d—d; and deserved to be; it was revived for Kean, and succeeded because of Kean. The 'Rivals' was d—d at first, though now one of the most successful of comedies. Mrs Gore, in her preface, reminds us of the fact, and compares it with the damnation of 'Quid Pro Quo:' in this respect the two comedies resemble each other, and only in this respect.

So deficient is criticism in any established rules by which to predict what will and what will not succeed, that many persons anticipated that the committee would make some tremendous blunder; and the blunder was made. But this very anticipation should absolve the committee of half the blame; where failure was anticipated, failure can hardly be disgrace.

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Yet in spite of the difficulty in laying down rules, surely the experience of the stage is sufficient to furnish certain general conclusions which might guide the judgment of managers. It is found, for instance, that a piece like 'Secrets worth Knowing' succeeds; a piece without a spark of wit or humour, with gross improbabilities in motives and incidents, but with animation, with an interesting plot and some good situations. Here is a piece succeeding in spite of the demands of literature; 'Bubbles of the Day' succeeded in spite of the demands of the stage. Two such opposite instances puzzle managers, who do not perceive that as far as success on the stage is concerned it does not matter whether the audience be interested in a story or amused by wit. The audience is there to be amused. Amuse it by wit, and you succeed; amuse it by intricate plot, and you succeed; amuse it by a succession of rapid scenes, riotous, farcical, unconnected, so that you contrive to amuse, it matters little how. If you aim at higher and lasting success, you must add truth of character to wit and humour, and well developed progression in the plot to striking situations. Bear, however, constantly in mind that the audience expects to be amused. The best way to avoid dulness is to avoid talking for talking's sake; real wit will redeem, of course, any quantity of idle dialogue, but you must be sure of its being wit, or the audience will yawn. Direct writing, however poor, is safer than even real wit. This is the secret of the success of plays written by actors, who, not being men of letters, are not anxious to write dialogue for its own sake, and do not make the plot an occasion for "bringing in fine things."

People have a false idea of comedy. Different classes of men have really utterly different views of what comedy should be, and all err on the side of exclusiveness, because they do not look to the audience, but to what species of entertainment has "succeeded." This is the πρωτος ψευδος: the source of all erroneous judgment. First, there is the class of literary men, who regard comedy as a branch of literature, and very naturally lay more stress on felicitous expression, witty turns and polished dialogue, than on ludicrous situations or broad fun. They are possessed with a most decided contempt for anything 'farcical;' they would rather create a smile, than a roar of laughter. "Situations" and "construction" they deem not only very subordinate to the dialogue, but unworthy of the attention of any but "mechanical playwrights." What is the consequence? They produce essays, but no comedies. Literary excellence is all they strive after; literary excellence is all they attain. They are readable but not actable. We would beg to remind all such writers that comedy is *not* simply a branch of literature; that in truth it may almost

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dispense with literature of any high cast, as Goldoni, Scribe, Morton, and others, triumphantly prove. And that as to farce: if by farce be meant riotous exaggeration for the sake of riotous merriment, they may be referred to Plautus, Molière, Shakspeare, Lope de Vega, Vanbrugh, Farquhar, and even Sheridan, all of whom liberally, some too liberally, used the farcical element.

Next comes the class of playwrights who regard the literature as subordinate to the construction and situations of a comedy. Their plays are actable but not readable. They often succeed, but often fail; since, if the plot should happen not to be interesting, and the situations not laughable, there is no wit or character to redeem the dulness.

Next comes the class of actors who regard only their parts. Enough has elsewhere been said on this subject; we will only here indicate a point hitherto passed over. Directly an actor becomes established he confines himself to a certain class of characters, such as irascible old men, benevolent old men, gay young gentlemen, or vulgar coxcombs, whichever class he assumes it is his ambition to preserve to himself, and he will play no other sort of part. Hence the stereotypic nature of the various characters of modern comedy. If an original character be written there is no good actor to accept it; he will answer "it is not in my line." He has never succeeded in the part before; no one has succeeded in it before; therefore he will not venture. The ideal, therefore, of an actor's play is a play like 'Quid Pro Quo,' which contains nothing new.

Next comes the class managers and their readers, who look upon the dialogue as "the words;" and, except for the interference of individual vanity, are guided by views similar to those of actors. Give them the best dialogue in the world, and they will judge of it as the cock in 'Æsop' did of the pearl. Give them original characters, and you puzzle them in two ways: first as to how they are to distribute these characters amongst their companies; secondly, as to how the public will relish what they have not relished before. Give them original situations, and the situations are pronounced impracticable.

Finally the critics, who, full of great ideas about the drama, demand from comedy a combination of qualities which can be combined only by the greatest comic genius, and which only half a dozen men have ever succeeded in combining. The critics pronounce every play trash that is inferior to Farquhar. Now with such opposite opinions on the part of various classes, what wonder if the stage presents perpetual failures? Suppose a committee selected from these classes, how could they come to a

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conclusion? Each demanding a different excellence from that demanded by the other; neither looking to the only true object of comedy, viz., the amusement of the audience. Looked at with this view comedy presents a variety of species, each differing from the other, yet each capable of success. Let the dramatist say, "I will amuse the audience;" let the critic say, "This will amuse the audience." Instead of saying this, both dramatist and critic set out with a preconceived idea of what comedy *ought* to be. It ought to be amusing.

Yet how can we tell if it will be amusing? This is not easily to be told; yet experience of the past and knowledge of an audience ought to furnish general rules. For instance, farce is amusing; yet farce when introduced into comedy is often hissed? Unquestionably. If hissed it deserves to be, because there must be some gross want of keeping between the farce and the comedy to make an audience object. How to introduce farce with success is the art of the comic writer. Again: wit is amusing; satirical hits at the follies of the day; puns, equivoques, and quibbles are amusing. But they must be made amusing or they are dangerous. 'Bubbles of the Day' was a good example. It depended solely on its jokes, and they all told. This comedy puzzled theatrical people. It was produced with many misgivings, and its success was never comprehended. 'Moonshine,' by Lady Emmeline Stuart Wortley, also depended on its dialogue. Jerrold's play having succeeded, great hopes were entertained of 'Moonshine:' yet Moonshine was damned, in spite of its dialogue, or rather in consequence of its dialogue. This was another puzzle to managers. One play succeeds by wit, another play fails. How is this? Simply that Jerrold was witty; Lady Emmeline meant to be witty, but was not. Finally, bustle, situations, rapid progression, blunders, &c., are amusing; but they sometimes only excite hisses. 'London Assurance' succeeded; 'Alma Mater' was damned Another puzzle. 'London Assurance' was a manager's ideal. At Covent Garden it was pronounced the best play since the 'School for Scandal.' Perfectly intelligible! 'London Assurance' was concocted at the theatre by actors, and contains all that actors and managers declare necessary for a comedy. Every character had not only been used a hundred times before, but actually played by the same actors. Every situation was familiar to the audience; every joke had been laughed at before. It was the pattern comedy of the green-room. It succeeded. Excellent acting, admirable "getting up," strong cast, and a bustling play generally will succeed. But Mr Bourcicault, who thought he had discovered the secret of success, wrote the 'Irish Heiress,' which was played two

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nights, and 'Alma Mater,' which lingered through a few of the Haymarket bills, and would never have been repeated at any theatre but the Haymarket. The grand secret turned out a failure; the pet of the managers, Sheridan the younger, sunk into insignificance. After this managers talk of their "experience!" It is difficult to say why 'Alma Mater' and the 'Irish Heiress' did not succeed; they were written on the same principle as 'London Assurance;' but it is not difficult to say why 'Quid pro Quo' did not succeed, nor is it difficult to understand why the committee thought that it would succeed. It was written on the principle of 'London Assurance.' It was after the green-room pattern. It was a safe play; it was a practicable play; and it was damned.

It behoves all persons interested in this question entirely to clear their minds of the preconceived notions of what a comedy should be; and to attentively scrutinize the experience of the past, from which they may gather some certain rules. But this scrutiny should be scientific, not empirical. It is a scrutiny worthy of philosophical ability; and only to be properly accomplished by a philosophical method. We have just shown how the experience of the past has but confused the notions it should have enlightened; and it will continue to confuse them as long as it is accepted in the loose manner in which it is now accepted. To know the temper of an audience you must understand the general tendencies of the mind, as well as the special fancies which guide it for the moment. It is not always that which has succeeded which will now succeed. *E. g.* the patriotism of Colman and Moreton meets with no applause now; the British soldier and the British tar are rather bores than otherwise; we weep with no one "bleeding in his country's cause." Claptrap differs; but the human mind remains the same.

When once this scrutiny has been scientifically made—and there are abundant data on which to proceed—certain positive rules may be elicited, which will enable a prize committee to judge more correctly of another prize comedy. Meanwhile, all persons conversant with the state of theatrical affairs will probably join with us in thinking that, bad as 'Quid pro Quo' is, it was its very badness which recommended it to the committee as the most "practicable" of the ninety-seven plays,—not as the *best*, but as the most resembling the stage-ideal of a comedy. Performance showed that it was "impracticable" in no respect—least of all in respect of failure.

G. H. L.

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ART. IV.—1. *First and Second Reports from the Select Committee on Shipwrecks.*

2. *Reports of Cases argued and determined in the High Court of Admiralty.*

3. *An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.* 3 and 4 Vict., cap. 65.

THE British Shipping Interest bears about it many of the marks by which all protected interests are beginning to be generally recognised. It has been the nation's spoiled child, and is come up to maturity half-instructed and reckless. Without venturing to adopt in its full extent the recorded opinion of the Lords of the Admiralty that "inattention to the reckoning, stupidity about the lights, running in thick weather, neglecting to allow for tides, bad compasses, and, above all, laziness in not heaving the lead, will amply account for every wreck on record,"* it is impossible, we apprehend, to rise from a perusal of the voluminous evidence taken before last session's Committee of Commons on Shipwrecks, without a conviction that the dangers really inseparable from the sea are accustomed to be much overrated, and that a very large amount of loss of life and property must be set down to the sheer default of the shipowner and his servants. But here, as elsewhere, the time is come for duties to be insisted upon as commensurate with rights; and we rejoice to believe that the labours of this committee, and the public inquiry their exposures are everywhere provoking, will have the effect of diminishing, at no distant period, the evils accumulated by long-persisted-in neglect. The object, however, at present before us is not to comment upon the reports or the evidence by which they are sustained, but to make an humble endeavour to supply one of the points in which they appear to us imperfect.

A principal cause of shipwreck is the "collision" of vessels at sea. It has recently been said from the bench itself, that losses so occasioned "have of late been increasing in number, and the great loss of property and risk to life are every day the subject of common observation."† The actual number of casualties cannot easily be arrived at, the damage being in many instances quietly repaired and never publicly known. Still, however, the journals afford proof enough that the amount is very great, and the columns of the 'Shipping Gazette,' during the

* First Report, Appendix 53.
† Dr Lushington, 20th December, 1843.

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first *three months* of the present year, have reported *one hundred and ninety-two* vessels injured or sunk from this cause. There can be no doubt, in short, that collision is become lamentably and disgracefully frequent, and that the danger of it is now one of the most formidable risks of the sea. Yet it does not appear to have formed a prominent object of the Committee's attention. Few of the witnesses were questioned upon it, and even those in a hasty and insufficient manner. No allusion to it is found in the first report; and the second, as though by mere afterthought supplying an omission, embodies nothing more than a recommendation to universalise, by convention with foreign powers, the British rule that *steamers* meeting must put their helms to port.

The replies elicited by the few questions addressed to the witnesses on this subject, seem to lay down the following as the usual causes of collision:—

A CARELESS LOOK OUT ON THE FORECASTLE.

THE ABSENCE OF WARNING BY SIGNAL-LIGHTS.

IGNORANCE OF, OR INATTENTION TO, THE TRINITY RULES.

And we propose to consider them in succession, beginning with the last.

It frequently happens that the officers of the mercantile marine, and sometimes of the naval service too, are practically unacquainted with the "Rules of the Sea." We say practically, because there is a certain verbal knowledge of them which few may be without. We mean they are not generally so known as to afford clear guidance to the judgment in circumstances of emergency. We will endeavour to explain what these rules really are.

The most casual observer in a populous city must be struck by the precision with which the vehicles crowding its streets pass to and fro without injury or contact. Much is due to the practised skill of the driver. But were it left to chance, or the hasty judgment of the moment, to choose the side each opposing carriage is to take, all safety would be gone. Custom, therefore, has established a regulation that every driver must pass to his own left hand. The rule has been recognised and enforced by the courts, and is now part and parcel of the law as much as though made by act of Parliament. It is moreover simple, readily comprehended, and of easy practical application.

Ships at sea require a rule as well as carriages on land. But from the complex character of their evolutions it is impossible to lay one down approaching to the simplicity of that just described. The combination of circumstances in which two meeting vessels find themselves, may be extensively varied by the state and

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direction of the wind, and the relative positions of the ships towards the wind and towards each other; and it hence arises that a rule of clearly advantageous operation in one case becomes useless, or even positively mischievous in another. To steam boats, indeed, these observations do not apply. Possessing their locomotive power within themselves, having it always at command, and capable of modification in any direction, steam vessels approach in this respect very nearly to the character of land carriages; and for them, therefore, as will be shown hereafter, one simple analogous regulation suffices and is applied. At present we are speaking of vessels moved by sails. The rules to be followed by them are usually called "Trinity Rules," as though deriving their force from the Trinity Board; but they are not really enacted by that corporation, being of date older far than its charter. Of immemorial authority, they are yet so extensively doubted and misunderstood, that they might seem to have come down through all the uncertainties of oral tradition. Nor is this very far from the fact, since we can nowhere find any authoritative written exposition of them; and to this day we know of no means of safely arriving at their complete scientific definition, except through the perplexities of an analysis of successive judicial decisions in the High Court of Admiralty during a long period of time.

As it is the universal rule on the land for vehicles meeting to pass to their own left, so do we gather from our study of the Admiralty Reports that it is the fundamental rule on the sea (admitting the exceptions mentioned hereafter), for vessels meeting to pass to their own right. An alteration of her course being at all times inconvenient to a ship under sail, the alteration is usually made by one of the two only, the other continuing her way unchanged—and the custom is for the vessel which may happen to be on the larboard tack, or with the wind blowing upon her larboard side, to bear away to leeward; while the vessel on the starboard tack, or with the wind on her starboard side, is allowed to keep her course to windward without deviation. So far every seaman will probably go along with us. The difficulty rests with the exceptions. For it may happen that the vessel on the larboard tack is closehauled upon the wind, or sailing as near to it as it is possible for her to do, so that if compelled to give way the ground she loses cannot be recovered without tacking or wearing quite round, involving a great loss of time, while the other ship, on the starboard tack, may have the wind quite free or fair, and can turn in either direction, whence to her a deviation is of comparatively little moment, because if driven out of her track she can always regain it by the mere operation of the

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helm. Accordingly it is required that the vessel sailing free shall be the one to give way on which tack soever the close-hauled ship may be. Again, the vessels may not be approaching in a straight line, or in anything like a straight line. The courses they are mutually sailing may cross each other angularly, so that if the vessel with a free wind, in making way for one close-hauled, were invariably to "bear away" or run to leeward when she is on the larboard tack, and invariably to "luff" or run to windward when on the starboard tack, it would frequently happen that in nominally giving way she would really be crossing the bows of the close-hauled ship, thus probably necessitating the very collision it was her intention to avoid. It is the practice, therefore, for a vessel sailing free to give way to one close-hauled in such a manner as to avoid her course altogether.

Hence it is seen that no effectual single law can by possibility be devised to suit all circumstances, and it is usual to state the existing regulations as three separate rules. This is the form adopted by the Trinity Board, in publicly reciting the laws on the occasion of its promulgating a regulation for "steam vessels" in the following notice:—

"NAVIGATION OF STEAM VESSELS.

"Trinity House, London, 30th Oct. 1840.

"The attention of this Corporation having been directed to the numerous severe and, in some instances, fatal accidents which have resulted from the collision of vessels navigated by steam; and it appearing to be indispensably necessary, in order to guard against the recurrence of similar calamities, that a regulation should be established for the guidance and government of persons entrusted with the charge of such vessels: and whereas the recognised rule for sailing vessels is—

"1. That those having the wind fair shall give way to those on a wind;

"2. That when both are going by the wind, the vessel on the starboard tack shall keep her wind, and the one on the larboard tack bear up, thereby passing each other on the larboard hand;

"3. That when both vessels have the wind large or a-beam, and meet, they shall pass each other in the same way on the larboard hand, to effect which two last mentioned objects the helm must be put to port;

"And as steam vessels may be considered in the light of vessels navigating with a fair wind, and should give way to sailing vessels on a wind on either tack, it becomes only necessary to provide a rule for their observance when meeting other steamers or sailing vessels going large;

"Under these considerations, and with the object before stated,

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this Board has deemed it right to frame and promulgate the following rule, which, on communication with the Lords Commissioners of the Admiralty, the Elder Brethren find has been already adopted in respect of steam vessels in her Majesty's service, and they desire earnestly to impress upon the minds of all persons having charge of steam vessels the propriety and urgent necessity of a strict adherence thereto; viz.

"RULE.

"When steam vessels on different courses must unavoidably or necessarily cross so near, that by continuing their respective courses there would be a risk of coming in collision, each vessel shall put her helm to port, so as always to pass on the larboard side of each other.

"A steam vessel passing another in a narrow channel must always leave the vessel she is passing on the larboard hand.

"By order,

"J. HERBERT, Secretary."

It is scarcely possible to conceive of a statement less deserving the character of an explanation than this. Even in one of its immediate objects, the giving a rule for a steam vessel meeting a sailing vessel going large, its ambiguity has been animadverted upon by the Admiralty Judge.* And the portion of the document which relates to sailing vessels exclusively—that portion of it which, in the words of the same learned judge, "the document does not purport to enact, but to state as established"—is to a nautical eye involved in obscurity deeper still. The principal points left in doubt, as respects all who are to gather their knowledge of the subject from this supposed exposition, are as follows:—

1.—The meaning of the phrase "give way" in the first rule. By one set of interpreters it is taken to mean "bear away from the wind," because the vessel, whose duty it is to give way in the second and third rules, must do so by bearing away. Another body of nautical men hold it to mean that "the helm shall be put to port:" again following the analogy of the other rules, where this is the operation the rudder necessarily undergoes. Others again conceive that the free vessel may get out of the way in any direction most convenient to herself. And the result is, that this first rule has occasioned more discussion, both out of the courts and within them, than all the rest put together.

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* 'The Friends.' 1 Robinson, jun.'s, Adm. Rep. 484.

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2.—A doubt has arisen as to whether the close-hauled ship in the first rule must hold her course without altering her helm till the danger is passed, or whether she is at liberty to throw herself in stays at any period whatever, just as though the vessel whose duty it is to yield way were not in sight at all.

3.—Though the last question be decided in the negative, it still remains to be settled whether the close-hauled ship in the first rule, and the ships on the starboard tack in the second and third, are in all cases bound to assert their privilege of holding on without change, or are at liberty to waive it; whether it is their duty as well as their right, or the latter exists without involving the former.

4.—Lastly, It is matter of dispute, whether the injunction in the third rule to port the helm, applies to both ships or only to one.

We fall back upon the decisions of the Admiralty Court for guidance through these difficulties. It was settled by the Trinity Master, in the case of the 'Rose,'* as the meaning of the phrase "give way," that the ship sailing free is to keep out of the way by avoiding the bows and going astern of the close-hauled. But this definition appears satisfactory only when vessels are meeting at an angle, and it fails when they are approaching "end on," or in a straight direction. And it is the opinion of many eminent naval men—men the expression of whose opinion should be received with the utmost respect—that provided the circumstances are such as to allow no doubt about the facts, it is matter of perfect indifference in the case last supposed, whether the vessel giving way takes the passage to windward or the passage to leeward. In one sense no doubt they are right, and perhaps the discussion has been perplexed by a confusion of terms. If the ship with the wind free, while yet at considerable distance and in perfect safety, perceives that by continuing her course she will arrive at a point where it will be incumbent upon her to give way to a vessel close-hauled, and chooses to anticipate that necessity, we conclude she is at liberty to go any way she pleases. In ordinary cases, where there is time and daylight, she may rely on the rule which directs the other ship to make no deviation unnecessarily, and will just take that course which the locality and the trim of her sails render most convenient to herself. But this seems to be an anticipation of the rule rather than an application of it; and to admit more would be to confer a privilege instead of imposing a duty—it would be to give the free vessel the choice of two sides when the

* 7 Jurist, 381.

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other is close-hauled, while she is limited to one side when the other is free. And the Admiralty decisions appear quite conclusive. The 'Harriett'* was free on the larboard tack, and it was said to be her duty to port her helm and go before the wind. The 'Athol'† was free on the starboard tack, and was adjudged in the wrong, because she did not port her helm and luff. And again, in the case of the 'Ann and Mary'‡ it was held to be the duty of the vessel with a free wind on the starboard tack to port her helm and pass to windward of the vessel close-hauled. All three cases strongly tend to prove that a ship so giving way is limited by the rule to one particular measure—that measure being determined by the tack she may be on. The doctrine is in harmony with the belief traditionary among mariners, that in all cases of *doubt* the helm is to be ported. For when a straight direction is spoken of, the real meaning is, not that both keels lie in the same mathematically straight line, but simply that the lines of the two courses appear so nearly coincident as to render it doubtful whether the free vessel is to windward or to leeward of the track of the other. And, which is of more importance, the decisions we have cited are in strict accordance with the fundamental rule. The exception which might have made requisite a variation from it, in order to avoid crossing a vessel's bows, does not apply. The exception not being proved, the "golden rule" (to use the phrase of the Trinity Masters in the 'Ann and Mary's' case) holds good: the vessel on the starboard tack ports her helm to keep the wind.

On the subject of the difficulty we have marked as the second, we must allow that in daylight at all events, as matter of simple courtesy, the vessel giving way should do so in time to prevent inconvenience of any sort to the other. But the privilege is conferred upon the close-hauled ship for a special purpose, namely, that she may not unnecessarily lose ground, and we do not see that she is entitled to any other preference. "A vessel in her situation," said the Trinity Masters of a vessel close-hauled on the larboard tack, "ought never to put her helm a-lee," and accordingly the vessel of which they spoke was condemned, because she threw herself in stays when in danger of collision with another sailing free. Whenever a vessel on the starboard tack has been justified in putting her helm down, it has been done in the hope of escaping contact, and not with a view to tacking in pursuance of a prior intention.

Thirdly, the Admiralty Judge has repeatedly declared it to be

* 1 Robinson, jun. 182.
† 1 Notes of Cases in the Eccles. and Mar. Courts, 586.
‡ 7 Jurist, 999.

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not merely the right, but also, in a certain sense, the duty of a vessel close hauled meeting another free,* or of a vessel close hauled on the starboard tack meeting another also on a wind,† to hold her course without deviation. It would be a deviation either to bear up or to throw herself in stays; but if the vessel, though sailing on a bow line, happened just at the moment to be a little off the wind, it does not appear to be considered any deviation to make such slight change of helm as will enable her to stand on close hauled. Where both vessels are free it has been said that the one on the starboard tack would be "right in keeping her course *or* slightly putting her helm to port."‡ We repeat that no deviation must be made unnecessarily. But on the other hand, the privilege is not to be converted into a penalty, and an alteration seems always to be justified in cases of reasonable alarm, especially where the opposing vessel is neglecting her own duty of giving way in time or of giving way in a proper manner.§ Nor is the privilege to be insisted upon when the existence of the right to exercise it admits of the slightest doubt. It was decided in the case of the 'Traveller,'‖ that as *at night* a vessel close hauled on the larboard tack can never be quite sure whether a sail seen approaching her lee bow is close up to the wind or a little from it, it is the duty of the former to port her helm and bear away, even though the other may have the wind quite free. And we judge that it would, *à fortiori*, go hard with a vessel sailing free on the starboard tack, and meeting another with a fair wind also, were a collision to occur which might have been avoided had not the former pertinaciously clung to her privilege.

The last question to be decided is whether the injunction to port the helm, contained in the third Trinity rule, relates to both ships or only to one. It will be seen we have already assumed that it is applicable to the vessel on the larboard tack only. The words are "to effect which *two* last-mentioned objects," so that they apply to the second rule as well as to the third. In the second rule they evidently refer to the vessel on the larboard tack only; and we infer the same limitation with regard to the third. Our remark in the concluding clause of the last paragraph should, however, be kept in mind.

We have no space, had we knowledge and ability, to apply these theoretical principles to all the complex cases of nautical practice; but we may be permitted to illustrate them by an attempt to sketch out the course directed by the rules to be pursued in some of the most usual opposing positions. Two things

* 'The Harriett,' 1 Robinson, jun., 182. 'The Hope,' 1 Rob. jun., 154.
† 'The Jupiter,' 3 Haggard's Adm. Rep. 320.
‡ 'The Friends,' 1 Rob. jun. 478.
§ See 'the Athol,' 'the Friends,' 'the Rose.' ‖ 7 Jurist, 1094.

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must be premised. In the first place, that the rules were never meant to be inflexible,* but may be modified or over-ridden by peculiar circumstances. In the words of Dr Lushington, that there must be exceptions—

"Is apparent to common sense, as in the case of a vessel going so near to a rock or a shoal of sand that if she followed the rule she would inevitably become a wreck. No person would say that the rule was to prevail over the still higher consideration of the preservation of property or of human life."†

To which, however, it may be well to add that the onus of proving the exception will rest with the party violating the rule. And in the second place, that the rules are intended purely for vessels whose courses *converge,* and are known or deliberately believed to converge, and not for those whose courses diverge, or may reasonably be believed to diverge; nor for cases where darkness absolutely shuts out even reasonable belief as to their converging or not. Where there is no knowledge there can be no law. These last remarks may, perhaps, be thought supererogatory by those who are unacquainted with the modes of reasoning which pass for syllogisms among masters of ships, or who have never listened to the arguments of learned civilians in Doctors Commons. Only the other day it was believed by and contended on behalf of the commander of a steam vessel going down the Thames with the wind aft, that he did right to port his helm on seeing a sail ahead in the gloom, before he knew whether she was tacking across to the right or to the left! Without, then, pretending to any dogmatic application of rules to ever-varying circumstances, we venture to say that the cases of convergent courses on opposite tacks may be classed under the following general combinations:—

Case No. 1.—Both vessels are beating to windward, closehauled on opposite tacks.

The vessel on the larboard tack ports her helm and bears away. See the 2nd Trinity rule.

Case No. 2.—The vessels are sailing on opposite courses, both having the wind free.

The vessel on the larboard tack ports her helm and bears away. The one on the starboard tack holds her course or slightly puts her helm to port. See the 3rd Trinity rule.

The Trinity House document does not appear to provide for

* We solicit the reader's attention to the valuable chapter 'on Collision,' appended by Mr Serjeant Shee to his editions of 'Abbott on Shipping.'

† 1 Rob. jun. 485.

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the case of a vessel steering right before the wind, and crossing another having a fair wind on her side; of course, nearly at right angles. We find it stated in Mr Dana's 'Seaman's Manual,' that if one vessel is going dead before the wind, and the other going free on the starboard tack, the latter must luff and pass astern of the former. It would seem from analogy that if the vessel with the wind on her side were on the larboard tack, it would then become the duty of the one before the wind to give way by porting her helm. The principle being, we suppose, that as both have a free wind it is the duty of that one to give way the porting of whose helm will carry her astern of the other.

CASE No. 3.—A vessel closehauled on the starboard tack, and one with a free wind on the larboard tack, are crossing in an *angular* direction, and the latter is on the *windward* side of the track of the former.

The helm of the vessel sailing free is starboarded, and she passes to windward, going astern of the other. 1st Trinity rule and our remarks in explanation.

CASE No. 4.—The vessels are sailing as in Case 3, but the one with the wind free is on the leeward side of the track of the other.

The helm of the vessel sailing free is ported, and she passes to leeward, going astern of the other. 1st Trinity rule and explanation.

CASE No 5.—The vessels are sailing as in Case 3, but approaching "end on" or in a straight direction.

The vessel sailing free ports her helm and goes before the wind, passing to leeward of the other. 1st Trinity rule and explanation; also the case of the 'Harriett' already cited.

CASE No. 6.—A vessel closehauled on the larboard tack, and one with a free wind on the starboard tack, are crossing in an angular direction, and the latter is on the windward side of the track of the former.

The helm of the vessel sailing free is ported, and she passes to windward, going astern of the other. 1st Trinity rule and explanation.

CASE No. 7.—The vessels are sailing as in Case 6, but the one with the wind free is on the leeward side of the track of the other.

The helm of the vessel sailing free is starboarded, and she

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passes to leeward, going astern of the other. 1st Trinity rule and explanation.

This combination requires sound judgment and skilful seamanship, because after allowing for leeway made by the closehauled ship, the angular lines from leeward along which a vessel can be crossing with the wind free are comprised within a very small space; while *at night*, after the decision already cited in the case of the 'Traveller,' it would appear to be unsafe for the vessel on the starboard tack to starboard her helm at all.

CASE No. 8.—The vessels are sailing as in Case 6, but approaching "end on," or in a straight direction.

The vessel sailing free, ports her helm, and passes to windward of the other. 1st Trinity rule and explanation; also the cases of the 'Athol' and the 'Ann and Mary.' But as the vessel on the starboard tack has the wind a couple of points abaft the beam, she is probably carrying studding-sails and under a press of canvas, rendering it much less inconvenient to *herself* to bear away than to luff. Hence the necessity for anticipating the rule by keeping a good look out and bearing away in time. This may not be practicable at night, but the Court would say that sail ought to have been shortened at night in a crowded locality.*

In all these solutions it is assumed that the *facts* stated in the respective propositions have been fully ascertained. We earnestly entreat the reader's attention to the observations already made on the deviation of a close-hauled ship (whose *primâ facie* duty it may be to keep her course) in circumstances of doubt or of imminent danger. And the remark made under Case 7, implying that the line must not be drawn too fine, applies in a less degree to Case 8 also: the crossing lines should be decidedly and undoubtedly angular, to bring the case within the limits of either of those propositions. As to Cases 5 and 8, it should be borne in mind that if the tracks are supposed to be *parallel*, and yet not divided by distance sufficient to render contact improbable, the rule must be acted upon, as though they were *coincident*. Suppose, for example, the free vessel should be steering north, and the head of the close-hauled is observed to be lying south, these courses are readily seen to be either coincident or parallel. If the former, the helm is ported; if the latter, either no change whatever is required, or the tracks so nearly agree—the ships are approaching so nearly "end on," as to afford reasonable ground for fear; when that must be done which would be the rule were

* The 'Virgil,' 7 Jurist, 1174.

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there certain ground for fear. The Court will listen to no plea of nice and narrow calculation:

"It appears to me," says Dr Lushington, "that in all these cases we never can, with any hope of a satisfactory result, enter into the discussion as to what precise point one vessel bore to another at the time of being discovered."*

We have yet to speak of steam vessels. The rules affecting them are simple enough. If two steamers are meeting on opposite courses, each ports her helm. Meeting a sailing vessel closehauled, the steamer gives way exactly as a sailing vessel with the wind free would do in similar circumstances. Meeting a sailing vessel with a fair wind, the steamer ports her helm; because when the wind is on the latter's larboard side, the sailing vessel, being on the starboard tack, is entitled to hold her course; and when the wind is on the steamer's starboard side, since it would be her duty to port were the opposing vessel another steamer, she is bound to do the same thing when the other ship is under sail. Steamers, it has been said, should always give way to sailing vessels, and therefore should not cross their bows.†

Such appears to us the true interpretation of the Trinity rules. We are aware that high authority may be arrayed against some of our conclusions. If so, the difference must be settled by appeal to the decisions we have cited. That is the law which the Court of Admiralty declares to be so; and the principles laid down there must be adhered to, howsoever their opposites may be recommended by the weight of eminent names. Should the instructed seaman, on the other hand, to whom our propositions are familiar as household words, consider we have been elaborately demonstrating axioms, we reiterate the assurance of our belief, that a very large number of those to whom the conduct of vessels is committed, are either possessed of nothing more than a surface-knowledge of the subject, or are given to the formation of theories of their own. It may be proper to adduce some proof stronger than the simple assertion of personal experience, that even among those who stand in the foremost ranks of the profession, a great conflict of interpretation is often discovered; and illustrations are readily found in the proceedings before common law courts when it has been necessary to submit collision causes to the determination of a jury. For a jury of landsmen need guidance in the application of sailing rules; and the only way in which they can have it is by parole testimony from men of skill in the witness box. Each party accordingly

* 2 Notes of Cases, 104.
† See cases quoted by Serjeant Shee.

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brings such evidence forward, and the opinions expressed are usually diametrically opposed to each other on precisely the same state of facts. A trial at Durham last year is a notable case in point. Both vessels had sustained damage; the jury gave more faith to the scientific witnesses of the plaintiff than to those of the defendant, and the verdict was in favour of the former. The loser then raised an action for his own damage against the winner in Doctors' Commons, and was successful, the judge and Trinity masters pronouncing that vessel in the wrong, ON HER OWN STATEMENT OF FACTS, which the Durham jury had declared in the right: so that each shipowner eventually paid for the damage sustained by the other! In another case, where no essential fact was in dispute, a large number of nautical men, naval officers, commanders of merchantmen, and superintendents of pilots, delivered opinions exactly conflicting. Among them, and on different sides, we observed the names of two gentlemen—Mr Forrest and Mr Cumming—who have given valuable evidence before this very Committee on shipwrecks. It must surely be a misuse of words to characterise either as uninstructed; yet they have enunciated practical opinions directly at variance on a very simple case. If vessels, respectively commanded by Mr Cumming and Mr Forrest, should be nearing each other on opposite courses, a collision would probably ensue as the immediate consequence of their different readings of the rule. And a catastrophe might follow like that of the 'Governor Fenner,' where ONE HUNDRED AND TWENTY human beings were hurled into destruction, and the only question agitated was which of the commanders was in fault.

We conceive, then, that on the broad ground of humanity alone, we are entitled to protest against the poco-curante legislation, which thus leaves the lives of men to be tossed to and fro on the conflicting waves of opposite opinions. We claim from the Trinity Board an authoritative exposition of the rules. We care little what interpretation be adopted—our own, or that of any other man. Our induction may be inaccurate, and other expositors may be right — we do but call upon authority to decide amid the uncertainty, and tell us plainly what is to be done. The rules to be enforced once clearly laid down, we next call upon the legislature to test, by examination, every sea-officer's knowledge of them before he is allowed to assume a command. We have no desire to discuss here the limits of legislative interference. But that interference is already begun on the other side. For the law limits responsibility for loss by collision to the value of the damaging ship and her freight, though the ship and cargo sunk may have been worth ten times

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the fund thus liable to make them good. We are not questioning the policy of the law; but this we do say, that if an owner is indemnified, even partially, against the errors of his servants, some pains should be taken to see that those servants are competent to their work. It might silence the clamorous remonstrances of Mr Somes, and others,* against the proposed examination of masters and mates, were the legislature to reply—"You may appoint whom you please, but your liability for your captain's errors shall not be limited to the value of your ship and freight, except where his fitness has been tested by examination; if you depend on your individual judgment, you must indemnify those injured by his blunders to the full extent of the loss they may have sustained."

Without then seeking to palliate the culpable apathy of the shipowner, it is impossible to deny that the fault of the mariner's ignorance of the rules of the sea is shared by the Trinity Board and the legislature. The same observation applies to the neglect of signal lights. There is no law to compel their use, the Trinity House having made no regulation on the subject. Except in the case of a vessel at anchor, which has been held to share the blame of a collision if she neglects to exhibit a light, we recollect no instance in which the result of an action has directly turned upon its presence or absence.

"You have invariably decided," says Dr Lushington, addressing the Trinity Masters, in the case of the 'Rose,' "that merchant vessels under sail are under no necessity whatever to carry lights."

The difficulty usually assigned, is the embarrassment that may be produced by the confusion of ships' lights with those of lighthouses on shore. There is much weight in the objection; but we can scarcely believe that, by the use of lamps of particular colours, and in particular relative positions, a means may not be devised of securing the benefit without incurring the risk. At all events, let the elder brethren be consistent, for we cannot understand why, if the use of the lamp is not to be enjoined, because of the danger, the very same reason should not prohibit it altogether.

The neglect of a vigilant look-out is doubtless a primary cause, both of collision and of other casualties. Innumerable examples can be given:—One flagrant case was that of a vessel off Cape Horn, where the neighbourhood of ice was first discovered by a passenger, who heard it crackle against the ship's side, as he lay in his berth. The next moment the ship ran stem on to an ice-

* Evidence, First Report.

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berg, and stove in her bows, the officer of the watch being in the cook-house at the time. There is, perhaps, no immediate remedy; but if an examination of sea-officers, and an inquiry into losses be carried out, as the committee recommend; and if it should be enacted, that an unsatisfactory result of the last will involve the loss of the certificate of the officer in charge of the watch, it may be expected that mates will find their interest in keeping a stricter eye than at present on the performance of the duty in question. In the meantime the court is justly severe upon all proved cases of negligence or recklessness, and will visit upon the owners the absence of precaution, whether it show itself in want of look out, or in neglect to shorten sail and slacken speed at night, or in a fog,* when in a neighbourhood where danger may reasonably be apprehended.

We must be permitted to warn the shipmaster on two points more. He must not fancy that the error of another ship will absolve him from the duty of rendering her every assistance in his power—(we speak of saving property, for when life is in question, we trust no injunction is needed). It is held to be a suspicious circumstance, when effort has not been made to help the damaged vessel; and the owners of the 'Celt,'† though not otherwise in fault, were condemned in all costs and expences of the suit, because their master made no attempt to save the ship run down. Neither must he suppose, as is generally done, that all responsibility is removed from him when he takes a pilot on board. It is true that the default of a pilot taken on board compulsorily, under any act of Parliament, or if under the provisions of the General Pilot Act, whether compulsorily or not, will remove liability from the owners. It rests, however, with the latter to prove that the damage was occasioned by the pilot's fault alone. The owners of the 'Massachusetts'‡ pleaded a pilot's presence in vain, when the damage arose from dragging an anchor too light for their vessel: and in the case of the 'Diana'§ (where the judgment was affirmed by the Privy Council on appeal), the owners were also condemned, the collision being occasioned by a bad look out, for which the crew were held jointly to blame with the pilot. It has been justly said that the master and crew are never discharged from their proper respon-

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* The 'Rose,' 7 Jurist, 381; The 'Virgil,' 7 Jurist, 1,174. In the cases of the 'Ebenezer,' 7 Jurist, 1,117, and 'Itinerant,' 8 Jurist, 131, the claims were dismissed, on the ground that the darkness was too great to prevent collision at any rate of sailing.

† 3, Haggard, 321. ‡ 1, Robinson, jun., 371.

§ 1, Robinson, jun., 131.

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sibility with respect to the management of the ship, the keeping the look out, and the execution of the pilot's orders.

The embarrassments of the shipowner do not cease when his duties have been performed—when the look-out has been kept, and the light shown, and the rules understood and obeyed. Though the fault rest entirely with the other vessel, the difficulties met in obtaining redress are very great indeed. The remedy lies either in the courts of common law or in the Admiralty Court. Resort to the former is less usual, owing in part to the nearly insurmountable obstacles in the way of a correct appreciation of a nautical case by a jury of landsmen—in part to the character and occupation of the witnesses of the facts, which render it difficult to secure their attendance at the proper time and place—and in part to the rules of evidence governing these courts, which exclude the testimony (often absolutely indispensable) of a plaintiff or defendant in the suit. The usual form of proceeding in the Admiralty Court, by "act on petition and affidavit," allows no cross-examination of the witnesses. The nature of the facts to be proved in collision causes is, nevertheless, such as to render cross-examination even more than usually necessary. A wrong operation may be strongly suspected to have been performed on board one of the ships, no satisfactory evidence of which can possibly be obtained except what might be elicited by cross-questioning the persons actually on board the offending vessel. A ship close-hauled may be run on board of in the dark by a steamer at full speed; yet positive evidence that her speed was not slackened can be given only by the crew of the latter. And half the circumstances sworn to as facts would turn out to be mere inferences on cross-examination. We will give a single striking example. It happens nearly always that the statements of the two ships with respect to the direction of the wind differ to the extent of a few points, especially when one vessel is close-hauled and the other free. On the adjustment of this disputed matter the whole case may turn, because upon it hinges the determination of the question *whose* duty it was to make way. Now it is a well-known effect of the composition of forces, that when a ship is in rapid motion with the wind on her side, the apparent direction of the wind is always a-head of its real direction. The greater the velocity of the ship as compared with that of the wind, the greater the difference will be. But suppose a vessel going only five knots, with a brisk wind of about fifteen knots right on her beam, the sailor who judges from the vane will take the direction of the wind to be about a point and a half *before* the beam. If another vessel is approaching in an opposite direction, the united error will amount to three points, and *both* will

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probably claim to have been close-hauled.* Hence the necessity for a minute inquiry into the precise nature of the observations from which the direction of the wind has actually been deduced. The act of 1840† contains, in its 8th section, a provision for the *vivâ voce* examination of witnesses before a commissioner in the presence of, and subject to cross-examination by, both parties or their agents. Why this excellent provision should be allowed to remain so nearly a dead letter (we speak as laymen must, and not as learned in the law), it must be left to suitors themselves to decide.

We have thus endeavoured to gather together the fragments of maritime law on these much-vexed questions, and we trust we have collected materials for those able to follow up the work more fully and efficiently than ourselves: in conclusion, we would shelter ourselves with the apology of the late Professor Robinson, craving pardon for the presumptuous attempt to discuss a nautical subject, while we confess we cannot "hand," nor "reef," nor "steer." L.

Explanation of Sea Phrases in the above; from the 'Seaman's Manual.'

Bear-up, or *Bear-away.*—To put the helm *up* (or to the windward or weather side), and keep a vessel away to leeward.

Close-hauled—On a bowline—On a wind.—Applied to a vessel which is sailing with her yards braced up, so as to get as much as possible to windward.

Free—Large.—Applied to a vessel sailing with a fair wind.

Larboard.—The left side of a vessel looking forward.

Lee.—The side opposite to that from which the wind blows. *A-lee*—the situation of the helm when the tiller is put to the lee side.

Leeway.—What a vessel loses by drifting to leeward.

Luff.—To put the helm *down* (or to the lee side), so as to bring the ship nearer the wind.

Port.—Used instead of larboard. To port the helm is to put the tiller to the larboard side.

Starboard.—The right side of a vessel looking forward. To starboard the helm is to put the tiller to the starboard side.

Stays—In-stays.—The situation of a vessel when she is staying or going about from one tack to the other.

Tack.—To put a ship about so that from having the wind on one side you bring it round on the other by the way of her head: the opposite of wearing. A vessel is on the *starboard tack* when she has the wind on her starboard side; and on the *larboard tack* when she has the wind on her larboard side.

Wear.—To turn a vessel round so that from having the wind on one side you bring it upon the other, carrying her *stern* round by the wind. In tacking the same result is produced by carrying a vessel's *head* round by the wind.

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* See 'Encyclopœdia Britannica.' Art. "Seamanship."

† 3 and 4 Victoria, cap. 65.

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ART. V.—1. *Tithes Commutation; a Return to an Order of the Honourable the House of Commons, of all Agreements for the Commutation of Tithes, to the 1st day of July* 1843. *Specifying the amount of Rent-charge agreed to be paid in lieu of Tithes, &c.* Ordered by the House of Commons to be printed, 21st August, 1843.

2. *Table shewing the value of Tithe Rent-Charges, for the year* 1844. By Henry Pyne, Esq. London. Shaw and Sons.

THE Tithe and Corn Laws shew how we dealin this country with the rights of the rich and the wrongs of the poor. They are useful statutes, inasmuch as they mark the relative zeal of legislation, towards interests which do, and do not, need the peculiar care of a parental government—boons, in short, toits pet children, of which the consideration is not unprofitable to the rest.

We desire, however, at the threshold of this article, to disclaim all aggression on the Church. The power as well as the doctrine of the Church, are questions wholly apart from the inquiry into the amount, or mode of payment she receives: and so we shall treat it; for with the latter subject alone is it our purpose to deal. This caution is needful; for Tithes are as easily mistaken for holy things, as rubrics for Religion, and forms of prayer for faith of heart; and the confusion of these is very prevalent. We would rescue the utility our argument may chance to possess, from the damage of a prejudice it has no need to enlist against it. Leaving, therefore, all sorts of questions as to Church doctrine untouched, we betake ourselves solely to Tithes and such secular topics as they naturally present for consideration.

No one denies to the labourer in the spiritual vineyard the hire of which he is worthy, who engages in the business of life. They who serve the altar must live by the altar. But these general truths, sound though they be, are no answer to the fact, that if there be a class among us, who for one thousand years have been fenced more carefully and liberally than another from the perils of want, that class is the clergy. They took charge in the beginning of souls and land in common; and from the times of Pope Gregory to Messrs Blamire, Buller, and Jones, of all that was fertile and fruitful, in hill, dale and plain—of all that was beautiful, in wood, land, and water—of the choicest and fairest, the priests have had their ample portion. If some of the teeming riches of the Church passed centuries since into the hands of the lay favourites of a Royal plunderer, that which remains to the

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Church, is not only sufficient for the burdens she bears, and the duties she discharges, but even before the Tithe Commission had existence, was fortified by powers of tenure and realisation, with which no other property is invested.

There is this peculiarity in Tithes; they are fruits without the cost of cultivation, profits without risk or outlay of capital, and produce without the toil of production. Nor is this all, the tithe-owner took his tithes without the lets or hindrances which beset the attainment, by other men, of that which may be wrongfully withheld from them. If a landlord be deprived of his rent, he must go through the trouble, expence, risk, and exceeding odium of a distress. Not so the tithe-owner, who, up to the commutation, took his tithes off the land when ready matured and shocked to his hand, with no more ado than if the land were his, and in his own sole and undisturbed possession. That this right was often waived does not affect the argument, for it was, and could only have been waived, when the tithe-owner chose, and found it to his own interest to accept a money payment instead; reserving, as he did, moreover, in all cases, the right to recur to this privilege at pleasure, and thus maintaining the equivalent he consented to receive. This position, so thoroughly exempt from risk, so strongly fraught with power to the holder of property, is almost unequalled by any other strength of tenure. Be the seasons what they might, the cost of cultivation, however much increased, the produce, however much damaged by the accidents of agriculture, the parson suffered not. He had always the full amount of the composition to receive, or failing that, his tenth of the produce without one iota of abatement for cost or loss of capital in the process of production.

It is often urged that, notwithstanding the advantages of the tithe-owner, he never realises in the aggregate, the income to which he was by law entitled. From the fact, and from the fact only, that the clergy were generally averse to business habits, this may have been in some measure true. The mere work of storing, threshing, and marketing tithe generally operated powerfully on their love of ease, and induced them to forego a portion of their income to escape the trouble of thus husbanding and realising its full amount. But whose choice was this? It amounted to nothing more than a voluntary contract between the parties. The farmer undertook to gather, garner, thresh, and sell the parson's share, in consideration of a deduction from the payment due from him as the value of the tithe. Doubtlessly, the farmer could convert tithe into money at less cost, and with greater gain than the parson; and we doubt not the farmer gained as much in pocket as the parson gained in ease: but that

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was the precise spirit of the bargain, and the intention of the parties to it. Where is the difference between this compact and arrangement, in object, principle, or effect, to that between the landlord who lets, and the tenant who farms his land? Does the landlord receive all that the land produces above the cost of production? Might he not make more out of his property by farming it himself? Very probably he might; but he prefers to pay a portion of the profit for the ease and relief of being disembarrassed of the trouble and toil of realising it. It is the case of the steward, who, standing in the relation of agent to his employer, relieves him of the burden of personally managing his estate; the employer in return, gladly sacrificing that portion of its produce which pays the salary of the steward. In like manner the tithe-owner had chosen to convert a portion of his tithe into personal comfort.

The hardship of this sacrifice, however, it would appear, from the view taken by the commissioners, was the especial ground of legislative interference. A new adjustment of tithes was to be promoted, not that land might be set free from a vexatious impost, but that the grievance we have described might be redressed, and the income of the clergy improved. This object has been effected by means of half-a-dozen tithe amendment acts, and an annual expenditure of 50,000*l.* upon a tithe commission.

Let us examine the facts of the case; let us see how the matter stood, and how it now stands, after this ten years siege of amendment.

In or about the year 1835, when the commutation began, the Ecclesiastical commissioners completed a Report of the then Revenues of the Church. That is to say, they requested each incumbent to return his own income; certainly not for the purpose of lessening it: and a return was accordingly made by men who could have had no sort of motive to make their incomes appear larger than they were, and a very strong one to make them appear less. These returns comprise nothing for fees, nothing for glebe, nothing for donations, nothing for house-rent; but they do include a full mention of all the charges to which the incumbents were anywise liable.

Without giving any prolix statistics, the result is that there were 10,540 benefices, of which 3,197,225*l.* was the gross annual income (except as excepted), and 3,055,451*l.* the net income, giving 285*l.* to each parish. One half of these incumbents do not do their own duty, or at least not unassisted, for they return 5,230 curates, as being employed by them, whose aggregate salaries amount only to 424,695*l.*, an average of 81*l.* per annum.

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That the revenue thus returned is considerably below the real value derived from their livings by the incumbents, is clear on the face of the report. Even admitting a full and fair return to have been everywhere made, the house-rent, glebe, and fees, would, in all probability, amount to at least one-fourth of the whole. In addition to these items there are to be added to the gross amount, the income of the livings from which no return was received. Now, although the actual income, doubtlessly a much larger one than the Report shews, may be no extravagant amount for the decent maintenance of the parochial clergy—notwithstanding the proof given that 5,000 curates receive little more than the quarter of the same sum, surely with the many additional means of income, possessed by an educated body of men like the clergy, in the spheres of tuition and literature, 4,000,000*l.* per annum might suffice for their maintenance. We are quite confident that the real value of their actual means fell very little, if anything short, of this sum in 1835: that it did not much exceed it, was, as we have shewn, exclusively their own fault. A slight attention to the business of farming, or rather to the market department of farming, would have added more than a fourth to a large proportion of the livings of England.

The Tithe Board are not yet themselves aware of the exact amount to which the Rent Charges will be raised, but including the University property it will, we believe, be found to reach 5,000,000*l.* per annum.

If it be objected that a clergyman has certain claims on his purse, which demand larger means, we answer, that the true spirit and behest of his office impose no claims of the kind. He is not the parish officer but the parish minister—the minister of the charities of the heart, the consolations, the sympathies, and the counsel of a Christian teacher. His duties are "to visit the fatherless and the widows in their affliction, and to keep himself unspotted from the world." If Christ be truly his model and master, and the Gospel his mission, he is charged neither with the maintenance of the poor, nor the costly claims of worldly society. Of gold and silver he may have none, and yet abound in God's gifts, and be rich and plentiful in every faculty of his office, and the dispensation of every bounty it involves. Nor is this merely the theory of the closet—it is the daily experience of parish life.

Is it the wealthy rector who is the most constant visitor of the cottage? or most welcome, or most frequently at the bed of sickness, or beside the sorrowful or the dying? Are the richest in purse they who administer most largely the kindly influences of the heart? Are they fuller than their poorer brethren of the

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humility and meekness which the bible so emphatically enjoins on their order? Do they above others exhibit and testify in their own walk and conduct their boasted descent from men who went forth without scrip or purse to teach, heal, succour, and save? Or are they noted rather as sinecurists in duty, adepts in pleasure, aspirants for power, popish in heart, and apostolic alone in the faith of Iscariot? Are the men in the church thus unhappily signalized, the poor and needy of her clergy? or are they not chiefly to be found among the wealthier? Are not the poorest generally the worthiest of their vocation? Are not the hardest workers notoriously the worst paid of their order? What means the cry, then, for a monied clergy? It is at least certain that it does *not* mean a *Christian* clergy.

The Report shows a sufficient sum, if fairly distributed, to supply all the necessary wants of a really pious ministry, contented with the sphere of life and class of pleasures with which their oaths and duties alone comport. But if the Report showed no aggregate hardships to call forth that fervour of legislative compassion which bursts forth in the Tithe Board; if no wholesale penury among the clergy appeared on the sums total of their income to require those streams of beneficent interference which have ever since flowed from Somerset House, doing precisely what the Report shows does not require to be done, assuredly there *was* evidence—and ample evidence, too—of another hardship to which the Tithe Board has afforded no sort of remedy. We allude to the gross and most unjust disparity of these incomes. There are livings with scarcely any duty to be performed, upon which clergy are incumbents to the burden of 2,000*l.* per annum; and others, with most onerous charges, and stipends of 50*l.* and less. The scale is as follows:—Livings under 10*l.*, 11; under 50*l.*, 297; above 50*l.* and under 100*l.*, 1,629; and so the scale proceeds through every gradation of income, till we find that there are 166 between 1,000*l.* and 2,000*l.* per annum; and 18 upwards of 2,000*l.* In one diocese (Ely) four livings are returned as absolute sinecures, of which the average income is 694*l.* per annum. In the first page we turn to stands Wycombe (High), a town with 6,299 souls, benefice 145*l.*; the next being Wyberton, an obscure village with 530 inhabitants, benefice 651*l.* This is anything but an extreme instance of disparity. The cure of each soul ranges at every grade of remuneration from 6d. to 1,000*l.* a year; and in the diocese of Ely there is a living of 1,969*l.* without any souls at all.

We repeat it, that to this gross injustice the Tithe Amendment Act has neither applied, nor was it ever intended to apply a remedy. The poor incumbent, with his many virtues and his

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meagre income, must still toil on with his often heavily burdened charge, in order that rich rectors may devolve their duties to ill-paid and inexperienced curates, and bask in the luxuries of independence, for aught the Tithe Act has done to relieve the one or reform the other.

It is manifest that the gross disproportion of the incomes to the work done was a crying evil of the tithe system, which the amendment has left unamended. There need have been little trouble in arranging the composition to be paid; for no greater difficulty occurred than that to which all money bargains are liable; but even this has been so managed as to require perpetual re-adjustment; and the Tithe Act has gone further, and legislated for all cases, whether there was a difference or not. That there was any great injustice on either side, in former commutations, cannot be maintained by the advocates of the measure; for its express principle was, in all cases where a composition had existed at all, to take that as the real value of the tithes, allowance being made for rates where paid by the tithe owner. In certain special cases a power was given to increase or diminish this by one-fifth of the whole amount; a power but rarely exercised, for the bulk of instances where an increase took place are those of an addition merely of an equivalent to the tithe owner for his previous exemption from poor rates; it being part of the interference of the Act, that whether the parties please or not, this burden shall always be paid by the tithe owner himself. But why was this done? The mere fact that the contrary was the general practice, is a proof that it better suited the interest of both parties that they should be paid by the tithe payers, and allowed for in the composition. Inextricable difficulty has ensued from this meddling interference; and so far from appeasing strife, litigation and appeals were created anew; the case of Reg v. Capel is a noted proof of the uncertainty and perplexity introduced by the act; and hence of course the necessity for a permanent Tithe Commission.

It may be worth while to notice another difficulty which frequently occurs in the transition from one system to another in this respect. The rates having often not been assessed on the parson, and the new rent charge being paid to him by law, without deduction for rates, it was impossible to discover what rent charge ought to be deducted in order to reimburse the tithe payers for that portion of the rates which they had in reality, during the last half-year, paid for the parson, though not assessed as any definite sum. Moreover, when the tithe owner has once received the first payment of the rent charge under these circumstances, it is a very doubtful point how far and by what means

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the tithe payers can compel him to refund any part of it, if he is disinclined to be honest enough to do so; for the tithe owner has a right to receive his entire rent charge immediately on the confirmation of the apportionment without abatement. The tithe payer who, during the time covered by this rent charge, has paid the full share of the rates, *including the rate for the tithe owner*, who has paid none, might have appealed, but is generally unaware of the double payment he is incurring till it is too late to do so. Whilst the tithe payers and tithe owners managed their own affairs, these matters were generally well and peaceably arranged; but since parliament has assisted them with its industrious interference, contests, in this respect wholly uncalled for, perplexities and feuds have arisen without number.

One of the prophesied virtues of the act was its power as a peacemaker. From the Triumvirate of Somerset House oil was to be poured forth on the troubled waters of parochial strife. Mediation was to be proffered where it was wanted, and enforced where it was not;* appeasing all quarrels, settling all disputes between parish and pastor from land's end to land's end. We devoutly hope that these blessings are still in store. So far as these pacifying offices have yet proceeded the results appear to have been anything but peaceful. Taking an impartial view of the matter, we should be inclined to say that distinct stages of new conflict and vexation have been created—first, tithe payers and tithe owners are requested to meet and re-open all past differences, and arrive at a voluntary adjustment of interests necessarily conflicting, and that whether they are satisfied or not with existing compacts; and this "voluntary" proceeding is enforced under penalty, in case of neglect, of a visitation by an Assistant Commissioner to settle their affairs compulsorily at their own cost. This done, the apportionment ingeniously sets all the tithe payers at loggerheads with each other, and unsettles the entire proportion of their former burdens. Then the tithe owner has a fresh battle to fight with the rate payers, as to the portion of rate which falls to his share. We shall presently show how the frame work of the act perpetuates a sliding scale of payments, so ingeniously devised, that though it varies annually, and sets all certainty at defiance, must necessarily wrong payer or payee regularly twice a year. But we are people of sanguine and confiding minds, and look forward with immense pleasure to the promised harvest of peace, to be brought to pass out of elements which, to our humble view, seem fraught

* A compulsory award is made where parishes fail to "commute" *selon les regles*, whether they agree or not.

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just now with all sorts of wanton trouble, turmoil, and discord, and which have, during the last eight years of "peacemaking," put parish and pastor into a perfect fever of pucker and perplexity.

The commutation consists in converting the right of tithes into a rent charge, effected either voluntarily by the parties, or compulsorily by the Tithe Commissioners. In either case the first step is, 1st, to ascertain the money value of the Tithes during the seven years preceding Christmas 1835; and having done so, 2nd, to divide this sum into three equal portions, and ascertain the number of bushels of wheat, barley, and oats, respectively, which each third portion of the money would purchase at the following prices, viz: wheat, 7s. 0½d.; barley, 3s. 11¼d.; oats, 2s. 9d.; these prices being the septennial average, prior to December 1835. The amount of grain thus arrived at, forms a permanent standard of the payments to be thenceforth made. But these payments fluctuate with the average price of wheat, barley, and oats, during the *seven* years, ending with each succeeding Christmas.

Where a composition has existed, it is taken as the real value of the tithe, subject to an addition or diminution, not exceeding 20 per cent. of the whole amount, where cause is shewn. Where no composition has existed the value of the tithe is taken, and a deduction, varying from 15 to 30 per cent. is made for the cost of collection, marketing, &c., which would have fallen upon the tithe-owner, had he collected and marketed for himself. In all cases where the Rates or Tithes had been paid by the ratepayers, the amount is ascertained and added to the rent-charge, rates on Tithe being thenceforth paid by the tithe-owner, and not by the tithe-payer or tenant.

In addition to the evils already glanced at, which attend this system, there are others of still greater magnitude.

Whatever may have been the errors of the commutation at the time as to the real value of the tithes, they are now, to the tithe payer, irremediable, but in the face of the inevitability of a Repeal of the Corn Laws, they will in many instances prove a burden too intolerably unequal and grievous to be borne. For although we have no doubt that the general effect of Free Trade on land, will be to raise rather than depress its value, it will doubtlessly materially change the relative use to which different sorts of land will be applied, and also their relative capacity to bear the burdens charged upon it by the Tithe Act.

As regards the Church itself, the Act confirms and perpetuates that outrageous disproportion between income and work to which we have already alluded. This is not only a grievance but a disgraceful sanction of a positive wrong. The Ecclesiastical Tithe

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property was granted for one purpose—religious teaching; and whatever may be the objections to a confiscation, or change in the appropriation of that property, there can be none whatever to its equal distribution among the objects of the donation, especially since the inequality at present existing, so far from having been part of the original intent, is itself chiefly the result of the outrage done to it by Henry and Elizabeth, in the lay impropriations of the 16th century.

As regards the tithe payer, it sets up a standard of payment which we proceed to show must necessarily work injustice and hardship, and for this plain reason that, in the first place, even assuming the value of the tithe in each district to have been fairly ascertained, that value was at once increased by the conversion of the amount into corn at prices so low as those of the seven years ending 1835, by which means too large an amount of corn became the standard of future payments. During the three years 1833, 1834, and 1835, wheat averaged a lower price than during any three preceding years in this century. Moreover, no foreign wheat worth naming was entered during the septennial period thus taken, and no fictitious sales of corn took place to raise the average prices. But how was it afterwards. No sooner was the standard taken, no sooner did a certain number of bushels of each kind of grain become the fixed measure of future value, than prices began to rise, and from 39s. per quarter in the last of the standard years, the price successively rises, through the gradations of 48, 55, 64, and 70 shillings per quarter, till, in this year, we find the average of the *last* seven years has mounted from 7s. 9¼d. to 7s. 7¾d. per bushel of wheat, and by this latter measure payment is to be made.

But then it is replied the farmer is so much the richer; his produce (in which is included that which was tithe) has fetched a higher price, and his means have increased proportionately with the rent charge. Nothing of the sort: there cannot be a greater fallacy. Though *prices* have risen, is it supposed that *quantity* has increased in like ratio? Will any one pretend that in the years 1839, 1840, and 1841, the farmer took anything approaching to the produce to market he had during the seven years ending 1835? Is it not manifest that he could not, from the fact that in 1840 alone, nearly as much foreign wheat was wanted as the whole quantity sold during the seven years of the former period? This is not the only evil. With the prospect of open ports, the process begins which is called "working the averages;" the price is fictitiously raised, so that the farmer gains not one stiver of advantage—in fact, he absolutely loses by the raised by fictitious sales, and always swollen by the best quality

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introduction thereby of foreign corn, just when he can least afford to meet the competition. But, nevertheless, he has to pay the tithe owner *in virtue of that very loss*, by means of the effect which the rise of price has upon his rent charge.

It has been confidently urged that the tithe payer has paid less during the last few years than he has obtained for the tithe. This is true as regards the mere published averages. That is to say, the annual average up to 1842 rose *more rapidly* than the septennial average; and the farmer is assumed to sell by the former, and pay by the latter. A few months ago this point was advanced with great show of triumph by a correspondent of the *Times*, who coolly assumed that "*therefore* the tithe owners until this year have been the temporary losers by the act, never having yet received the tenth of the produce!" A tenth of the produce they can in *no* case have a right to receive; the cost of collection, &c., being always deducted; but considering that the tithe owner at any rate receives 7d. per bushel more for his wheat than at the period when the act passed; the assertion that he is a loser, because his increased gain has not quite kept pace with the unfair advantage given him by the forced growth of the hot-bed averages, is a statement based alone on its audacity. And even if rent charge has not risen quite so rapidly as prices, it cannot be denied that it will not fall nearly so fast as prices fall, and that during the two last years we have had the rent charge rising, and the prices falling, at the same time! And to this anomaly we shall be always subject, so long as rent charge is determined by septennial, and sales by immediate prices.

The injustice is, however, most felt in the poorer districts. It will be observed that the rent charge rises not so much by the rise of price in each particular district, but according to the average of the whole kingdom. Now according to the last 'London Gazette' which we have at hand (April 2, 1844), a difference of no less than 26 per cent. appears between the prices of wheat at Norwich and Camarthen.

It is very true that inasmuch as in the first stage of commutation the tithes have been estimated according to the value of produce on the spot, nevertheless once commuted into a certain quantity of grain, that quantity is ever after paid for—not according to the rise or fall of prices on the spot—but by the average prices of the whole kingdom. But this average is notoriously obtained by the prices at the largest and highest markets in England. They contain the largest sales, and have the most influence in creating the average. Six towns return nearly one-fifth of the entire quantity sold in the average towns. The average is, therefore, mainly determined by the prices, easily

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of grain in ten or a dozen large markets. But does this, whilst it raises the standard of rent charge for all places, equally raise the power to pay it, especially in the vast tracts of country which sell at the smaller markets, and realize prices often 15, 20, and even 30 per cent. lower than the miscalled and most deceptive "average." Any one may be satisfied of the injustice thus done, who refers to the prices at which corn is sold in the smaller markets compared with the price in the larger markets, at the periods preceding the opening of the ports; and without reference to those particular periods, take, as a fair instance, the prices of the last week of last year, just when the very grain would probably be sold which constituted the tithe to be paid for in the new shape of rent charge at the beginning of this year. Take Wales for example: we find that during that week the Welch farmer actually obtained only 43s. 11d. per quarter for his wheat, 28s. for his barley, and 14s. 3d. for his oats, whilst he had to pay the increased rates of 61s., 33s., and 23s., that being the septennial average then in force for all tithe payers alike. This is surely hard on the poorer districts, which have often the largest tithes to pay.

Another huge fallacy in this principle of tithe payment is, that it increases the pay in proportion to the inability of the payer.

It were almost an insult to the sense and observation of our readers to dwell on the absurdity of the notion that farmers are benefited by high prices. Have not the years of the highest prices been oftenest fraught with ruin to the farmer? They, as well as their landlords, are gainers when their crops are abundant, but never was there an instance of their being benefited by scarcity. Prices rise because farmers have *lost* crops, not because they have gained; but although they rise, they do not rise in proportion to the loss. And the reason of this is, that the same expense in cultivation, and nearly the same in collection of the crops must be incurred, whether the produce be great or small. After the return of outlay, which must be paid in all cases, the remainder is profit, and this profit the farmer loses by scarcity. Take the case of an acre of wheat, of which the cost of cultivation has been 6*l.* In a good season the yield will be four quarters, saleable at 50s. Here the gross return will be 10*l.*, and the profit 4*l.* In a bad season the same acre yields but three quarters; here is a diminution of one quarter of produce. Assume, for the sake of argument, the extreme case, that the price shall have risen in the same proportion as the quantity has fallen, viz., 25 per cent. How stands the case? Three quarters, at 62s. 6d., make 9*l.* 7s. 6d., and, as the expenses are not at all diminished, the profit is reduced from 4*l.* to 3*l.* 7s. 6d. But does it ever

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happen that prices really rise in the same proportion as the quantity has fallen? By no means; and for this clear reason, because the means of the people, so far from increasing, are diminished by the scarcity of food; instead, therefore, of keeping up the demand, which is the cause of high prices, *it restricts consumption;* and the price, therefore, cannot, and does not, rise in the same proportion as the crops are diminished.

If the farmer is no gainer by the rise in price, most surely are the people sufferers.

But there is one class who gain: and here a mighty moral evil ensues.

They who do profit by the general loss are the clergy. They whose especial province it is to pray for the daily bread of the people, and that "scarcity and dearth" may "be mercifully turned into cheapness and plenty,"* are taught to see increase to their own incomes in that very scarcity. It is the direct result of this complex device—this elaborate error—the Tithe Act, to father the superfluities of the clergy upon the wants of the people. Out of the poverty of the land springs the wealth of the church. As if to dissever them from Providence, its richest gifts are their bane. Their profit is vested in other men's distresses. The Act has placed them in antagonism with all social sympathies. It has rendered them an anomaly in the common sphere of human interests. The very elements affect them exactly the reverse of other men. In sun and shower, in the verdure of spring and the fruitfulness of summer, in the splendour of the seasons and the fulness of the golden harvest, they behold injuries to them and theirs: for they have no share in the gifts of Nature, and suffer by the bounty of God. In drought and deluge, blight and mildew, they have an especial stake. In dearth and distress their Ishmaelite interests centre, and from the visitations of Providence their best fortunes spring.

The Tithe Act is imperfect. It wants a clause to relieve the clergy from the cruel mockery of reading the prayer "In times of Dearth and Famine," which runs thus:—

"O God, merciful Father, who in the time of Elisha the prophet didst suddenly in Samaria turn great scarcity and dearth into PLENTY and CHEAPNESS; have mercy upon us, that we who are now for our sins punished with like *adversity*, may likewise find a seasonable relief. Increase the fruits of the earth by Thy heavenly benediction; and grant that we receiving Thy bountiful liberality may use the same to Thy glory, the relief of those that are needy, and our own comfort."

* Prayer in the time of Dearth and Famine: Common Prayer Book.

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The Tithe Act teaches the clergy to pray the converse. The corn laws have long rendered these prayers a similar mockery to the people they starve; they have long placed the practice of the legislature in bitter antithesis to its prayers: but the refined wickedness of giving the ministers of the religion of Christ a vested interest in the adversities of his people was reserved for the Tithe Act.

We have but two short proposals for the amendment of this pernicious statute. Let the ascertained value of the tithes in 1835 be henceforth the actual value of the rent charge. Sweeping away the commutation into bushels and the reconversion into money which annually changes, together with the whole tissue of complex absurdity which constitutes the sliding scale of payment and the eternal vexation of change. This amendment is one of easy adoption, and obviates any necessity of undoing what has been already done. And then let the entire payments be collected with the land tax, and from one central fund to be paid in portions adjusted to the work to be done in each cure of souls at the death of each present incumbent. E.

ART. VI.—*Encyclopédie du Dix Neuvième Siècle. Répertoire Universel des Sciences, des Lettres, et des Arts; avec la Biographie des Hommes Célèbres.* Paris. 1843.

WE are going to present our readers with two brief and graphic memoirs of two celebrated persons of the last century. We select these memoirs from the Encyclopédie mentioned at the head of this article; and we select them because the work in which they appear is by its nature not likely to fall into the hands of the generality of our readers. Cyclopædias are of recognized utility; but their very size prevents their being in the libraries of ordinary readers. To such of our subscribers whose purses and shelves render cyclopædias available, we will address a few words of criticism on the present work; to the others, we trust we shall be affording some harmless amusement by the biographies of Beaumarchais and Sophie Arnould, from the sparkling pen of the indefatigable, inimitable Jules Janin.

It must be confessed that France, though the first to start an Encyclopædia, has not produced one worthy of rivalling those published in England. In the 'Britannica' and 'Metropolitana,' the majority of articles on important subjects have been laborious

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treatises. No French cyclopædia can stand a comparison with them; nay, not even with the 'Penny Cyclopædia,' for learning and accuracy. The Encyclopédie started by D'Alembert contained some striking articles, but as a whole it is ill digested, ill written, and deficient in accuracy. The 'Encyclopédie Méthodique,' which came afterwards, did little more than re-arrange its predecessor. The 'Encyclopédie Nouvelle,' now publishing under the editorship of Pierre Leroux and Jean Reynaud, is valuable for many of its articles and general arrangement. We have heard it highly praised, and such papers as we have consulted seemed to warrant the reputation of the work. One obstacle, however, is that it is made a vehicle for the doctrines of Pierre Leroux, which, though accepted as gospel by "les humanitaires," will receive little attention here.

The present work has a similar drawback to its success in England. It is Catholic. This, which is of course in its favour as regards Catholics, will prevent the generality of Englishmen from becoming subscribers; for although it does not affect the articles of science, yet these alone escape its influence; history, literature, and philosophy, have a Catholic colouring which is not acceptable to Protestant readers.

Apart from these considerations the work is on the whole a creditable and useful one. Some articles are insufficient, as is the case with all cyclopædias; some of them elaborate and worthy of all praise. 'Alienation' is excellent; so is 'Accouchement;' so also is 'Abbaye.' Voltaire has no justice awarded him. Is M. Philarète Chasles really insensible to the greatness of that astonishing writer, or is he merely following the prejudices of the party to which he belongs? The article 'Sublime' is contemptible, being merely a few illustrations, without the least philosophical inquiry. The article 'Art,' by Buchez, will find great favour in the eyes of the party he addresses, but in the eyes of no other mortals.

Some of the biographies appear to us to be very nearly models of cyclopædia articles; brief yet satisfactory. It has been well said that—

> "Who narrates
> The stature of a man, his gait, his dress,
> The colour of his hair, what meats he loved,
> Where he abode, what haunts he frequented,
> His place and time of birth, his age at death,
> And how much crape and cambric mourned his end—
> Writes a *biography!* But who records
> The yearnings of the heart, its joys, its pangs,
> Its alternating apathy and hope,

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Its stores of memory which the richer grace
The longer they are hived, its faith that stands
Upon the grave, and counts it as a beach
Whence souls embark for home, its prayers for man,
Its trust in Heaven, despite of man—writes *fiction!*
Get a new Lexicon."——*

And who that has ever toiled through the dull monotony of facts which most writers deem biography, can help being struck with the graphic impression conveyed by the Beaumarchais of Jules Janin in this cyclopædia? We do not say that it is unexceptionable; we do not fancy that it could not have been still further improved by the rigorous statement of all facts and dates; but we ask, is not the image of the man clearly presented? In those seemingly careless lines there is more matter than in pages of ponderous dulness priding itself on facts. Instead of facts he gives you a distinct impression; in the place of dates he gives results. Jules Janin, who writes everywhere and on everything, on what he does as well as on what he does not understand, is hardly the sort of writer one would most trust in the pages of a cyclopædia. One would doubt his accuracy and sincerity. One would believe nothing on his word. He could not be quoted as an authority even in Grub street; one would as soon believe the 'Quarterly Review.' In spite of this we pronounce his biographies wonderful. With a keen eye for the salient characteristics he gives you but few details, and they all *tell.* With a rattling, somewhat wordy style, he is never dull, never obscure. Reckless enough as to facts, he is never careless as to effect. You may detect him in a hundred blunders without disturbing his effect one single iota. He does not care for dates and literal facts; he cares only for results. The life of Lesage has been attempted a hundred times; it has been written only once, and that once by Jules Janin. Compare his introductory memoir to the illustrated edition of 'Le Diable Boiteux,' with every other memoir, and the graphic force with which it is executed will call forth your admiration. So also we would ask you to interrogate yourself as to what sort of an idea you have of the author of 'Le Barbier de Seville?' Then read Janin's account of Beaumarchais:—

"Of all the fame, nay more, of all the noise which this man once made, what now remains? nothing but some long, licentious, withered comedies, which are now painful to behold; like vice when it has grown old and wretched, with no other refuge than the truckle bed of an hospital. That Beaumarchais who wore out his life in overthrowing authority, and overthrew it indeed because

* 'Gerald and other Poems.' By J. W. Marston, Esq.

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in his time it hung upon a breath; what has this revolution profited him? Alone amongst the revolutionists of the eighteenth century, Voltaire still lives and reigns; he is the master, the chief of that rebellion of wits whose names have been absorbed in his fame. The most famous satellites who aided him to make a name, have hardly any share in his glory; they have all fallen into obscurity, Beaumarchais as well as the rest. Beaumarchais is now only represented by an old woman, once the Countess Almaviva, by a cunning and ill-bred servant named Susanna, and by a fat, grisly, wrinkled old man called Figaro, a bad go-between without credit, living from hand to mouth by selling old clothes. Such is the intellectual, philosophical, and moral lumber of a man who overturned as many things as Voltaire, and who perhaps made more noise than Voltaire, that is to say, made a great deal too much.

"Beaumarchais was born at Paris in the year 1732; he died in the year 1799. He thus traversed all that troubled portion of the 18th century, of which he was one of the coryphees. He witnessed the birth, growth, and extinction of the French revolution, and escaped its dangers by a miracle, and the remains of that good fortune which attended him through life. Beaumarchais was a child of chance; his education was chance, his life was all chance, so were his wit, his talent, and his style. What he says of his Figaro might be said of himself, '*Enfant trouvé! Enfant perdu, docteur!*' And doubtless, had heaven so willed it, Beaumarchais would have been the son of a prince. Unfortunately heaven did not will it.

"Before he became a comic poet he commenced, like Figaro, by being a musician. He gave music lessons to Mesdames, the daughters of Louis XV, virtuous princesses who, without sufficient foresight, granted their all-powerful protection to this clever intriguer; Beaumarchais taught them the guitar, Figaro's instrument. And thus the musician became a courtier; the courtier soon became litigious; the litigious man ushered in the comic poet; the comic poet preceded the seller of guns to the American insurgents. He did everything, he used everything, he was by turns rich, poor, glorious, proscribed, carried in triumph, shut up in Saint Lazare, glorified, and treated like a bandit by M. Bergasse, who was an honest man. All his life is contained in his 'Mémoires Judiciaires;' he there shows himself not without art, but without paint, such as he saw himself, a little handsomer perhaps, than he really was. In these memoirs are to be found all that the most creative and remorseless fancy can say of any one on the spur of the moment. This affair which occupied all Europe, was originally a bagatelle. Beaumarchais, who had worked with Paris Duverney, found himself in Paris Duverney's debt at the death of the latter. The heirs claimed 150,000 francs of Beaumarchais; Beaumarchais, on his side, claimed 15,000. Whilst the cause was pending, Beaumarchais, like Figaro, endeavoured to see his judges: '*A-t-il vu mon secrétaire, ce bon-on gar-arçon la?*' One of the councillors of the *parlement Maupeou* closed his door against Beaumarchais. Beaumarchais persevered

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he sent the councillor for a gold watch set with brilliants, and a hundred and fifteen louis. At this price, Goezman listened to the pleader, but when the day arrived Goezman gave judgment against Beaumarchais, who then remembered the line from the Plaideurs: '*Mais rendez donc l'argent !*' And effectively the watch, the brilliants, and a hundred louis were returned to him. Beaumarchais claimed the fifteen louis which still remained due. The councillor Goezman, instead of returning the money, prosecuted Beaumarchais for libel. Beaumarchais defended himself valiantly. He instantly set to work, and with inexhaustible humour recited all his adventures with M. and Madame Goezman, namely, three useless visits on Friday, the 2nd of April; one useful one the next day, the 3rd of April, thanks to Madame Goezman; on the 4th of April an audience promised but not granted; on the 5th of April, the day of the report, an audience granted by the wife, refused by the husband, and a hundred louis placed in her hands, a watch set with brilliants, and fifteen louis which Madame Goezman not choosing to return, Beaumarchais is threatened with M. de Sartines and M. de la Vrillière; and Goezman like a fool laying his complaint in the hands of the president, the procureur-général is commissioned to inquire; and the sieur Baculard-Arnaud, lying, accuses the sieur Beaumarchais. And thus Beaumarchais goes on confiding all to the public, and it may be imagined how much this amused the spectators, and what pleasure they took in seeing the *parlement Maupeou* treated in this fashion. All around Beaumarchais applauded him; his irony and anger were excited; Goezman and his wife were devoted to the infernal regions; the corrupt judge was everywhere pointed at.

"There was a chapter in these memoirs entitled 'Confrontation de moi à Madame Goezman,' which was a real comedy, in which you saw Beaumarchais and Madame Goezman move and heard them talk. But the public feared that it would end too soon; the public might certainly have trusted Beaumarchais for making the most of scandal. The unfortunate fifteen louis were never allowed to drop. They were the watchword in this great battle. And when he had replied to the wife he began to reply to the husband; he heaped physical on moral proofs, and thus dragged the *parlement Maupeou* through the mud. And when nothing more could be made out of the male and female Goezman, he allowed the *parlement* to pass sentence, and by that sentence the *parlement Maupeou* again injured itself, for it gave the right to neither party. But the public had long judged the cause in Beaumarchais' favour. The cause was heard and won; town and court sided with Beaumarchais; the Prince de Conti himself, who was extremely jealous of his prerogative as prince of the blood, invited him to dinner; he called Beaumarchais a great citizen, a new expression which was a whole revolution in itself.

"This lawsuit gave Beaumarchais a love of lawsuits. He was already accustomed to them, his style also; success had rendered him quarrelsome. He therefore considered himself very fortunate

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when his second lawsuit commenced against M. Bergasse the advocate, who prosecuted him in the name of the sanctity of the marriage state; Beaumarchais was accused of having aided in the seduction of Madame Kornmann. This time the accuser was not a Goezman, but an upright and honest lawyer belonging to that courageous young bar which already foreboded the French revolution; one of those lawyers whom Fabre d'Eglantine has so spiritedly and successfully drawn in the Philinte: 'Go, fetch me a lawyer.' Moreover, since the Goezman affair, France laughed less, France at last understood she was marching to her ruin, and then Beaumarchais had to plead with a stronger antagonist, and more than once the man of wit was crushed by the emphatic eloquence of the adverse barrister. Beaumarchais no longer had so many laughers on his side.

"He then threw himself into comedy with renewed vigour. He possessed all the qualities which make, not a comic poet, but an inventor of scenes, acts, dialogues, and imbroglios; his was a bantering imagination caring little for truth. He would willingly have exchanged all dramatic improbabilities for a *bon mot;* he had a confused notion that his comedy had not long to live, and therefore wrote it in haste. To commence and finish his dramatic career (we do not reckon his melodrama of 'Les deux Amis') he had the assistance of one person, which was himself; he represented himself such as he was; daring to insolence, witty to shamelessness, sceptical to impiety, despising the world and despising himself more than anything in it, jesting on everything sacred; only when he placed himself on the stage, he no longer called himself Beaumarchais but Figaro.

"Once his name altered, he struts about the stage with as much freedom and impudence as if he ran no risk of being recognized. He first shows us Figaro, like Beaumarchais, the child of his own works, a poet, a musician, playing the guitar, living from hand to mouth, laughing at the great man who pays him, practising all trades, even the least honourable ones, for a living, flattering aloud the nobles whom he secretly maligns, a leader of intrigues, a chatterer, necessitous, clever, always on his guard against first impulses, for the sole reason that first impulses are almost always good; such is this newly-invented hero. In order to make him more presentable and attractive, Beaumarchais gives Figaro the handsomest dress of all Spain. The Barbier de Seville is but the first act of this long story. Be patient! You will soon see all the persons whose amours, pas sions, hatreds, fears, ambitions, and hopes, Beaumarchais presents to you, busy in an endless drama, complicated by the strangest details.

"The 'Mariage de Figaro' is therefore the second chapter of the immoral story, of which the sieur Beaumarchais is the hero. What a chapter! what a long and incredible philippic against the whole of society! what a jesting leveller is Figaro! what wonderful audacity was required ever to imagine that such a play should be publicly represented under a monarchy which remembered Louis XIV and

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King Louis XV. And what perseverance and will of iron necessary to get such a piece performed under a king who was an honest man, to whom excesses of all kinds caused as much repugnance as terror. King Louis XVI, to whom the piece had been read, expressed himself frankly on the subject—'Be certain,' said he, 'that this piece will never be played! This man sneers at everything. To be consistent, the Bastile should be pulled down, if such a comedy were publicly acted.' Louis XVI was not aware of the truth of what he said. He was a weak and respectable man, who foresaw evils, but knew not how to prevent them. The king was borne down by the exacting and witty body of nobles, who thought themselves invulnerable, and who did not choose to appear to fear dangerous writings, like the common people. Moreover, after having at first authorised the performance of the 'Mariage,' the king withdrew the permission he had granted; to which Beaumarchais replied that he would have his piece performed in the choir of Notre Dame. And Beaumarchais himself was not aware how truly he spoke. At last, in spite of the king, in spite of all the right-minded men in France, at least of all those who knew or could foresee the future, the piece was played with a scandalous success, which has no equal in the annals of the theatre. The day preceding this terrible and solemn one the Théâtre Français was half filled with people who spent the night there. Monsieur, the king's brother, was present at the first performance in a public box. The king, however, anxiously waited for the piece to be played. He hoped, he said, that it would be damned. A vain hope. As if success did not always attend the demolishers. The piece was lauded to the skies. It was listened to with unanimous delight! 'If there is anything madder than my play,' said Beaumarchais, 'it is its success.' The piece had all the effect of a revolution. Court and city flocked to it, and it may be imagined with what delight. Some great ladies wished to go in private boxes. Beaumarchais replied that his play was not written for *prudes*. *Prudes*, if you please; but Cherubino, half naked at the countess's feet, is hardly less immoral seen from a public than a private box. One young man wrote to Beaumarchais to ask for a ticket, even were he to die afterwards. Yes, it is a strange and incredible thing in the annals of a civilized people, that an entire society, the patient work of eighteen centuries, the treasure of morals which nations must amass, but which they, alas! amass but seldom, should be thus remorselessly sacrificed. And sacrificed to what? To a piece of buffoonery, a scandal, an immoral story of love and adultery. Yes, that was all; on one hand, the 'Mariage de Figaro;' on the other, the monarchy of Louis XIV;—on one hand, the wit of Beaumarchais; on the other, the genius of Bossuet. Oh! what would Bossuet have said had he been present at such a scene! Oh! what would the stern Cardinal Richelieu have said had he been told that one day, and that at no distant period, the King of France himself would not, and could not, venture in his own kingdom to prevent the performance

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of a stage play! A strange thing! Oh! the wondrous blindness of nations that are ruining themselves. To ruin themselves thus. All French society clapping its hands to encourage the comic poet, who dragged it through dirt, shame, infamy, and insult. All the authorities of society are compromised in this fatal drama. First appears a priest, mixed up with all this uncleanliness, flattering, cringing, a trader in love, and sneered at. The nobleman is the laughing-stock of his servant, himself ridiculing law, justice, morals, and marriage, ridiculing himself and every one else. The lady appears on terms of friendship with the servant, who is her rival, burning with a secret flame for a boy of fifteen, an adulteress in her heart before being one with her body. The judge shows himself corrupt and a corrupter, a poor foolish creature, ignoble in appearance. None are spared in this satire on the world. The peasant Antonio is drunk; his niece is a girl almost ruined by her own folly. Old Marcelina, who has lost a child, is only placed there to make us laugh at the feelings of maternity. Doctor Bartholo holds out his cheek to receive the slap aimed at science. Childhood itself, even childhood, that pure and holy innocence which Juvenal orders should be so respected, is placed there also to be the victim of immoral passions. Poor child! his heart is filled with bad passions; he is already made a vicious creature, sighing, and his heart beating for every woman, whoever she may be; Madame Almaviva, Susanna, Fanchette, he pursues them all, even old Marcelina. Poor child! they pass him from one to the other like some frivolous toy. And all these vices have been portrayed in the same drama, solely to amuse the crowd for five hours every evening.

"They all came panting, curious, greedy to be present at this immoral spectacle. And whilst these imprudent men clapped their hands at this debauch of wit, they did not hear the shaking of the falling throne; they did not hear that revolution roaring in the distance; they did not hear the murmurs of the people of '89, who meant to take these members of French society at their word; the people was coming to clutch them in the midst of this joy, this licence, these ecstacies, these past vices, and to plunge them into what an abyss! into what despair! into what a revolution!"

This is a striking picture, but an exaggeration. Beaumarchais was able to overturn the monarchy of Louis XIV and Bossuet, only because France would no longer submit to the burthen. Beaumarchais was applauded, because he spoke out the convictions of the people. Beaumarchais was powerful, because he was applauded. There was point in his satire; there was wit in his attack on society: but this wit would have only raised a passing smile, had not all society been in a state of fermentation and ready to applaud any and every expression of its hatred to established ideas. In the same way Siéyes became powerful, because he first put the question which all his contem-

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poraries were endeavouring to bring into shape. What is the *tiers-état?* he asked. To ask such a question was to produce a revolution. But if the men of our day look back upon the comedies of Beaumarchais and the pamphlets of Siéyes, we are unable to comprehend their prodigious success: the wit of the one seems forced and exaggerated; the logic of the other trivial and narrow. Comedies and pamphlets were things of the day; and passed away with the circumstances which gave them birth. Not that Beaumarchais' comedies are, theatrically speaking, contemptible: far from it. They have wit, banter, situation, and lively plots. They may be read with amusement; they will still bear representation. But they seem very poor and feeble comedies to have produced such tremendous enthusiasm.

As a specimen of Beaumarchais' talent, we think the memoirs infinitely superior to his comedies. They have the same liveliness, the same audacity, the same personality, and greater force. Besides, the talent is shown to greater advantage in creating such amusing scenes out of a law suit, than in creating amusing scenes out of an imaginary story, the *imbroglio* of which is borrowed from the Spanish stage. The confrontation with Madame Goezman is alone worth all the 'Mariage de Figaro.'

"It must, however, be acknowledged that Beaumarchais' great success was not wholly unmerited. This man had wit equal to his audacity. Even in his animosity he had a certain good-humoured smile, which rendered him still more dangerous. He had many kinds of courage, as he proved in Spain to a certain Clavijo, who had promised to marry his sister. In this circumstance, Beaumarchais gave proofs not only of wit and courage, but of a great deal of good feeling. He came frankly to the assistance of a poor afflicted woman, whom he protected in this struggle against the seducer who knelt before him. There are people who place this action of Beaumarchais' far above all the wit he has displayed in the 'Mariage de Figaro;' it is a pity that there is something to blame even in that.

"Beaumarchais' style, like the rest of him, is an affair of chance. He writes by chance; but when chance favours him, he often writes very well. He strains too often after the final dart; but when he has found it, he shoots it against everything with indefatigable liveliness. The speech on calumny is a masterpiece of that materialist style which embodies all things, and dresses up a thought like a living person. Had Beaumarchais come into the world twenty years later, he would doubtless have been one of the active minds of the deliberating assemblies; and no doubt, after destroying every thing on his passage, he would have stopped short like Mirabeau, like him terrified by the ruins he had heaped up. How unfortunate that those dangerous minds arrived just in time to succeed.

"What more remains to be told? Beaumarchais' literary existence

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terminates with the 'Mariage de Figaro.' He endeavoured, it is true, to carry out this fatal history, and ended with adultery the drama he had begun with an elopement. The *mère coupable* had none of the success of *la Comtesse Almaviva*. The ladies regretted their Cherubino's being killed, the men felt no pity for the woman of a certain age bewailing with so many tears the follies of her youth; Figaro grown old and steady no longer amused any one. The style of Beaumarchais, left to himself, appeared to all what it really was—a trick in which grammar and logic have to perform all sorts of dangerous evolutions. The secret of this dazzling wit consists in saying the reverse of things. Thus Beaumarchais had engraved on his dog's collar, '*Beaumarchais m'appartient!*' That betrays the whole man. He has also written an opera called 'Tarare.' 'Tarare' is again 'Figaro,' or rather Beaumarchais singing burlesque verses. This man soon grows old; he and all the persons he has created. The revolution with its iron hand crushed this mind, retaining only its venom. Beaumarchais, seeing that no one in France, not even himself, had time to be witty, endeavoured to take to business again, and lost in it a large portion of his fortune His supply of sixty thousand guns to America, who paid him only with flattery, and his edition of Voltaire's works, were deplorable speculations. And as he no longer succeeded in anything, *ennui* seized him, and he died because he was no longer an object of curiosity."

There are deficiencies in this biography. Dates are wanted; many facts are unregistered; the close is hurried. But in point of effect is it not an admirable piece of writing? Do you not carry away from it a distinct idea of Beaumarchais, the man, and of his position as a writer? Did you ever carry away so distinct an idea of any man from an ordinary biographical dictionary? This is the point we direct attention to, because the excellence of Janin's article is precisely the excellence needed by our compilers of biographies; whereas the faults of Janin's article are such as our writers are not likely to fall into.

The publication which is now taking place of a 'Biographical Dictionary' on an immense scale, by the Society for the Diffusion of Useful Knowledge, leads us to lay greater stress on the graphic power of Jules Janin than we should otherwise deem necessary. That 'Biographical Dictionary' is very useful; but not half so useful as it might be. Valuable as a work of reference for any particular fact, it is almost useless for any other purpose; praiseworthy enough in its industry, it seems to have relied solely upon its exactness. But we believe this to be a misconception, not only of the nature of biography, but also of the wants of the public. The superficial exactness of dates and facts should be sustained by the greater excellences of distinct conception and graphic execution. A man's life is not made up

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of its events alone. It was his individuality that gave those events their significance; it is his individuality, therefore, that should above all things be distinctly conceived. In many cases, we are aware, this is not possible: the materials with which to paint such a picture are not at hand. In many cases, however, it is very possible and highly desirable.

Doubtless many persons will object to Janin's Memoirs as being superficial, deficient in information, deficient in method. Granted. We do not praise them for their information, we do not pass over their carelessness; we only insist on their graphic power.

Janin's Memoir of Sophie Arnould is not less characteristic. In it, as in Beaumarchais, there are the same evidences of carelessness, but also the same talent. Both these memoirs seem to have been written off with scarcely a thought, with scarcely an erasure. But careless as they are they fulfil their end. A distinct idea of the person is in each case represented. But the reader shall judge.

"Sophie Arnould.—On the 14th of February, 1744, at Paris, in the very room in which the Admiral de Coligny was assassinated, a little girl was born, who might serve as a representative of the most frivolous and licentious portion of French society at the close of the eighteenth century; this child was Sophie Arnould. Her wit more than her beauty, the freedom of her conversation more than her wit, have been the cause of the celebrity of this dissolute woman. Sophie Arnould was the daughter of a man who let furnished lodgings, and she was early accustomed to see all kinds of people and hear all kinds of conversation. She was, however, sent to a convent, and even there her powerful, clear, and fresh voice caused her to be remarked among the other fine voices. One Holy Thursday, at the Val-de-Grâce, young Sophie sang so well that the Princess of Modena asked to see her. In those days it was still the fashion, although decreasing daily, for great ladies to pass a few days in retirement in a convent after the saturnalia of the carnival. This was the reason of the Princess of Modena's being at the Val-de-Grâce. No sooner had she left this dull retreat and returned to court, than she announced that she had heard in the convent the most beautiful voice in the world, and as fine voices were not more common in the days of Louis XV than in our own, there was a general desire to hear the young *pensionnaire*. She was fetched from the convent, and found herself suddenly transported into the royal chapel of Versailles, at one end of which, by the side of the king of France, Madame de Pompadour occupied the gilded seat of Madame de Maintenon. The still trembling girl sung a solo passage from one of the psalms, and the royal chapel was entranced. Louis XVth's court went to divine service as to the opera. The

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chapel was like every other part of the palace—a place of diversion; the preacher in his pulpit, the officiating minister at the altar, the singer in the choir, were discussed as Lekain and Mdlle Contat were discussed at the theatre. The success of this splendid voice at Versailles may therefore be imagined. Louis XV was as much delighted as he had been by the *Devin de Village.* Madame de Pompadour, who was burthened with all the *ennuis* of an agreeable despotism, exclaimed, when speaking of young Sophie—'Il y a là dequoi faire une princesse.' And certainly no princess could have been more cheaply created. There was no longer any thought of sending her back to the convent or the chapel. Now that she had sung in the profane chapel of Versailles, the next step for her was the boards of the opera; there lay henceforth her fame and fortune: thus had Madame de Pompadour decided. Sophie Arnould, therefore, made her *début* at the opera, and at once felt the importance of her new position; she always remembered having seen Madame de Pompadour sitting like a queen in the gallery of the chapel at Versailles, and believed that nothing was therefore impossible to herself. Her first appearance took place on the 15th of December, 1757, and she was at once applauded, admired, and proclaimed one of the queens of that frivolous and witty period. A year later Sophie Arnould was all-powerful on that beautiful stage, the rendezvous of the high society of those days,—the same theatre which Voltaire celebrated in such fine poetry. She thus, in twenty-two years, created all the great lyrical dramas, and especially three characters in which she was inimitable: Thelaïre, in 'Castor and Pollux;' Ephise, in 'Dardanus;' and Iphigénie, in 'Iphigénie en Aulide.' Her singing was full of passion; her acting full of energy. Garrick said of her on seeing her play, 'Voilà notre maître à tous'. She was, in fact, all-powerful on the stage: her voice, look, gesture, and smile were irresistible. But the triumph of this woman did not stop there; another one awaited her. After amusing all this grand society on the stage, she was still expected to amuse outside the theatre by all sorts of sallies and *bon mots,* full of wit, but often worthy of Billingsgate. In the chaotic state of French society at that period, it happened that persons connected with the theatre, actresses especially, had usurped an important place. As nobody was any longer in their proper position, neither noblemen, writers, nor artists, confusion had been carried to such an extent that more than one very important drawing room in all respects was governed, directed, and regulated by either very superior or very inferior women. It was thus that Sophie Arnould at once found herself an important personage both in town and country. She had lovers, and many of them; some among the highest nobility; and she consequently held what was in those days called a *salon,* that is, a sort of newspaper party, as powerful as a printed newspaper is in our days. To her drawing-room, therefore, as to a rendezvous of dissipation and licentiousness, both nobles and wits flocked; for the good understanding

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which existed between men of rank and literary men at that period is worthy of remark: the nobles to talk with and flatter the philosophers, the philosophers to doubt respecting the nobles. Imprudent as both classes were, they did not see that at no distant period the noble would be crushed like glass by the wit, and that, in his turn, the wit would lose much of his power and be seriously compromised by a life of fellowship with the noble. They therefore all clustered round Sophie Arnould; amongst the most illustrious were D'Alembert, the chief of the encyclopædia writers; Diderot, the fiery revolutionist, whose words would at another bar have been as powerful as Mirabeau's; Helvetius, the mystical dreamer; Mably, the bombastic historian; Duclos, *l'homme droit et adroit;* and J. J. Rousseau himself, the awkward and eloquent misanthrope. And to these men, whose names were European, these ardent prophets of the coming revolution, Sophie Arnould talked as with her equals; she seemed to say, 'We conspire together.' Those very men, who jestingly overthrew the most ancient monarchy of the universe, became the flatterers and humourers of Sophie Arnould; there was not a writer of the period without his bit of flattery for the goddess; not one poet who did not devote a few lines to her. Dorat, a poet of note in those days; Marmontel, who really was a great man; Rulhière, admired for the verses he had written; Favart, the Scribe of Louis XVth's reign, celebrated the beautiful, glorious, witty, amorous, gallant, sceptical, sneering, madcap, unfaithful, complex Sophie Arnould. Thus surrounded, caressed, celebrated, and applauded on the stage and in the drawing room, how could this woman's head escape being turned? She felt that to reign in peace in this world of irony and calumny, of wit and sarcasm, of licentiousness and disorder, she must carry irony and calumny, wit and sarcasm, licentiousness and disorder to a greater extent than any one else, and she did so; and by this means she attracted the universal admiration of town and court. Around Sophie Arnould every one listened anxiously; what she was going to say, and what virtue she was going to attack? what fame she was going to destroy? With her there was no means of avoiding odium or ridicule; she spared no one; she respected no one—herself less than anybody; she carried audacity to the greatest extent it could be carried. Had a writer of that period been as bold as Sophie Arnould, he would have been sent to rot in the Bastile. Hands were clapped round this woman; her witticisms were laughed at before uttered; and she talked like a clever spoiled child, who, by talking a great deal, sometimes says very clever things: the rest goes for nothing. Such was the style of this woman's success: she became in her old age sharp, cutting, ill-natured, and cruel. The *mots* of Mademoiselle Arnould have been preserved, like those of all great people, and even occupy a considerable place amongst the *ana*. Unfortunately, the witty things which were repeated and said in the best houses in Paris, could not now be repeated in a tap room. Here are some, however, which are exqui-

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site. She said one day to a very pretty but silly woman, who was complaining of having too many admirers, 'Oh! my dear, it is so easy for you to get rid of them! you have only to speak!' Being one day found by a man of rank, her lover, but himself dissipated and faithless, *tête-à-tête* with a Knight of Malta, 'Of what do you complain?' said she; 'the knight wages war against infidels.' One of her companions who possessed a harsh and vulgar voice was hissed on the stage. 'This is strange,' said Sophie; 'that lady certainly has the voice of the people.' She said, on showing a snuff-box on which were painted Sully and Choiseul, 'Here is the receipt and here the expense.' To a young man who said in her presence, 'L'esprit court les rues,' she replied, 'C'est un bruit que les sots font courir.' She jested thus all her life upon the most serious subjects; and even when this society, of which she had been both slave and mistress, was broken up,—when the France of the nobles of 1740 had become the France of 1793,—when all this gay world of which she had been the plaything, and which had been hers, was scattered here and there, in prisons, in exile, and on the scaffold,—this ungrateful girl never ceased laughing. She bought at Luzarches, at no great distance from the château of Champlâtreux, a presbytery, the curé of which was a wanderer and fugitive, and established herself in this sacred house, there quietly to end a life of passions and riotousness. She even wrote over her door, 'Ite missa est; allez vous en, la messe est dite;' a profane allusion, which may be thus translated:—'Depart all members of French society, who are daily proscribed, made fugitives, or executed. You have decked me out to love me; depart, we are quits. I allowed myself to be loved by you; I made you laugh by my wit; I made you partakers in my licentiousness; I corrupted you, and you corrupted me. Depart! you are conquered by the people whose daughters you have dishonoured, and I am the daughter of the people. Thus a time always comes when vice revenges itself on vice, corruption on corruption; and this is not one of the least interesting sights to a moralist.'

"Sophie Arnould died in 1802, forgotten, sad, and wondering at what had come to pass. She had witnessed the fall of ancient French society under scepticism and the nobles, and she now witnessed the rise of a new society, born of belief and the sovereign will of a child of the people named Bonaparte; and the poor woman could not understand why the church and not the opera, the sword of Bonaparte and not the wit of Sophie Arnould, were employed in this resurrection of society."

Is not this the Sophie Arnould we have seen this season at the French Play, personated by the witty, daring, fascinating Dejazet? Does not the handsome actress live, move, and jest in these few lines? It is a portrait we are in love with.

Another value of memoirs such as the foregoing is that they are pages of history as well as pages of biography. Not only is

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the person vividly presented to you, but the age in which he lived is brought into view. Read the Baron de Valcknaer's 'Memoires de Madame de Sévigné.' It is an ample biography; in the course of which all the history of the period—all the celebrated persons of the period, are passed in review. Many critics object to this mode of writing biography, as encroaching too largely on the province of history; but the objection is not valid. The celebrated persons whose lives men are curious to read were in a great measure the creatures of their age; in this respect it is impossible to understand their actions or appreciate their motives, without a distinct view of the spirit of their times; and by such a view we do not mean a dissertation, but a picture.

The two most important qualities of a biography are represented in the two foregoing specimens by Jules Janin. Add to them the necessary dates, and a few of the omitted facts, which would supply the wants of those who consulted them merely for reference on such points, and you have perfect biographies.

A. G.

ART. VII.—1. *A Charge delivered to the Clergy of the Diocese of Chester, at the Primary Visitation in August and September,* 1825. By Charles James Blomfield, D. D., Bishop of Chester.

2. *Sermons preached in the Parish Church of St. Botolph, Bishopsgate.* By Charles James Blomfield, D. D., Rector, now Bishop of London. 1829.

3. *A Letter on the present Neglect of the Lord's Day, addressed to the Inhabitants of London and Westminster.* By Charles James Blomfield, D. D., Bishop of London. 1830.

4. *A Coronation Sermon.* By the same. 1831.

5. *The Uses of a Standing Ministry, and an Established Church; Two Sermons preached at the Consecration of Churches.* By the same. 1834.

6. *A Bill to abridge and regulate the Holding of Benefices in Plurality, and to amend the laws relating to the Residence of the Clergy, and to the appointment and payment of Stipendiary Curates in England.* 1836.

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7. *Proposals for the Creation of a Fund to be applied to the Building and Endowment of Additional Churches in the Metropolis.* By the same. 1836.

8. *A Sermon preached at the Coronation of Her Majesty Queen Victoria.* By the same. 1838.

9. *The Duty of Prayer and Intercession for our Rulers; a Sermon preached at St James's, Westminster, July* 1, 1838. By the same.

10. *A Speech on National Education, at a Public Meeting held in Willis's Rooms, May* 28, 1839. By the same.

11. *A Speech in the House of Lords, on the Government Plan for promoting National Education, July* 5, 1839. By the same.

12. *A Letter to his Grace the Lord Archbishop of Canterbury, upon the Formation of a Fund for Endowing Additional Bishoprics in the Colonies.* By the same. 1840.

13. *Three Sermons on the Church, preached in the Parish Church of St. James, Westminster, during Lent,* 1842. By the same.

14. *A Charge delivered to the Clergy of the Diocese of London, at the Visitation in October,* 1842. By the same.

15. *A Speech in the House of Lords, on Religious Trusts and the Dissenters' Chapels Bill, May* 3, 1844. By the same.

WE propose, in the following pages, to review the progress, estimate the value, and sum up the results of that restless activity—extending over an Episcopal and Parliamentary life of twenty years—of which the products above catalogued may be taken as a specimen.

The subject has, if we mistake not, an interest and importance for the public, much beyond what the public are accustomed to suppose. The office of BISHOP OF LONDON, Metropolitan Prelate in our National Church, is one whose powers, in the hands of a man of active talent and energetic will, cannot but exercise, whether for good or evil, an influence wide and deep over many of our chief national interests. In the idea of it, this office is about the most influential and important which man can fill. To be *Episcopus*, or overseer, of the working of that machinery by which, at the heart of a British Empire, public character is formed and public opinion guided, by which the loftiest truths are weekly brought into contact with the thoughts and lives of two millions of human beings; to be not the teacher only, but the teacher of teachers; to have, not the practical working of a

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part merely, but the thinking superintendence of the whole of that powerful agency of civilization and spiritual culture the church establishment in the metropolis; requires qualities of mind and heart, rare, indeed, taken singly, in their combination among the rarest. Learning, eloquence, industry, strong good sense, disinterestedness, kindheartedness—with meekness, humility, tolerance, and all the other graces of the Christian character—of course: in addition to these, the large practical philosophy that can discern the signs of the times, and appreciate its wants—that knows when and how to ally itself with the spirit of the age; when and how to resist it—that has so studied the past, as to be able to guide the present towards a better and happier future. The prelate whose diocese is the seat of empire, is, in the theory of his office, a more important personage than any Lord Chancellor or Cabinet minister:—the Lord Chancellors and Cabinet ministers are of his flock; he is their official instructor in the philosophy of human rights and duties. A more onerous stewardship is not to be conceived. To be Bishop of London is to be chief acting trustee of the national fund, for national civilization; it is to educate the educators, and lead the leaders of the people; it is to be *ex-officio* moral-philosophy professor to the legislature and the cabinet.

Such were an ideal Bishop of London, in an ideal church of England. The case of an actual Bishop of London, in the actual Church of England, is considerably different. Yet there is enough in and about the office, even as it exists in fact, to render the intellectual and moral qualities of its possessor a matter of very high public concern. Its direct legal powers are great, its indirect social influence is yet greater. The patronage of some scores of chairs of public instruction; extensive and various powers over the comfort and happiness of the occupants of some hundreds; the right to speak with authority to those who are themselves authorities, on the chief subjects of human interest with some hundreds of thousands of the people; a voice in the legislature, which cannot fail, when energetically exerted, to find numerous echoes—all this irresponsibly, and for life;—here are the elements of a power (whether it be not too large a power for any man to have, we do not now ask) in the wise and virtuous use of which the people have a most deep interest. All that a man in such a position does, or leaves undone, is on the large scale; his acts and his omissions, his doings and his misdoings, have national importance. A prudent people would watch their bishops well, especially their Bishops of London. We are not sure that it is not of more consequence to the public to know exactly what sort of man the Bishop of London is, than what

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sort of man the Prime Minister or Home Secretary is. The latter functionaries hold office on a briefer and more precarious tenure; exercise their power more publicly, and under a more efficient inspection; may be at any time displaced by a vote of want of confidence; and then comes a political reaction. The bishop holds his office for life; administers the chief part of its powers in comparative privacy; is under no troublesome necessity of answering parliamentary questions as to his acts of prerogative; and, when he dies, leaves the influence of the opinions he has promulgated, the precedents he has established, and the men he has promoted, as an heir-loom to his official successor. A Bishop of London, with a decided taste for business, and a ready tongue in the House of Lords, is a man whom the public cannot be too solicitous to watch and understand well.

That this especially holds true at this particular time, and of the particular bishop whose career we are now about to examine, will be scarcely disputed. Opinions may differ as to the depth, strength, and real ultimate moment of that ecclesiastical stir, in the midst of which we have been living for some years past—ever since the Reform Act, and the anti-ecclesiastical enthusiasm that accompanied the agitation for it, roused the church from its previous indolent security. But of the fact there can be no question—that the church is much more powerful now than it was ten or twelve years ago; occupies a more prominent place in our politics, has more to say for itself, meddles more busily, obstructs and resists more effectually, agitates more energetically, makes its goodwill, or quiescence, more desirable, and its opposition more formidable, to the heads of political parties, than the most sanguine clerical fancy could have imagined possible, in the days when bishops could not show themselves in the streets without the chance of being pelted, and a tolerable certainty of being hissed, and when the witty and wise canon of St Paul's thought it prudent to provide himself *against* the worst with a blue coat. The ecclesiastical power has grown much and fast of late years; advances the most extravagant pretensions with the most *nonchalant* confidence; brings out boldly before the intelligence of the age claims on the allegiance of mankind, which had slept quietly for generations in the dust of Oxford libraries; and extends itself in all directions—even to the length of sending bishops to the antipodes—with a zeal of which few had previously suspected the existence. That the Church of England is more powerful at present (of the quality of its power we say nothing) than at any former period within the memory of men now living, adds especial interest to the question,—What kind of man is the Bishop of London, in whom so much of this power

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centres, and on whose judgment and temper its direction so largely depends?

And with such a man as Dr BLOMFIELD for Bishop of London, the inquiry takes a still more obviously useful and practical character. The present bishop of the Metropolitan diocese, is not one of those safe, comfortable, steady-going prelates who, a generation or two ago, were content to vegetate, "by Divine permission," in inglorious and unprofitable harmlessness, to the venerable old age into which that permission was ordinarily extended. He is a man with a strong taste and talent for business; of unresting, untiring activity; always on the alert to find something to do, or to stop from being done; fond of living in a bustle; determined to have his say in everything, from an Ecclesiastical Commission down to a Beer Bill, which, by the remotest construction (he is very ingenious at such constructions) can be shown to have a bearing on the interests of his diocese and his church. In some phases of the ecclesiastical movement of his time, this prelate has made himself conspicuous. As anti-Catholic spiritual peer; as church-extender, church-reformer, church-educationist, church-disciplinarian; as advocate of the Apostolical succession and Divine right of his order, he has always been first, or among the first. As the Rev. Sydney Smith said of him, in his capacity of Ecclesiastical Commissioner:—"The Bishop of London is passionately fond of labour, has certainly no aversion to power, is of quick temper, great ability, thoroughly versant in Ecclesiastical law, and always in London; he will become the Commission, and when the Church of England is mentioned, it will only mean *Charles Jamesof London*, who will enjoy a greater power than has ever been possessed by any churchman since the days of Laud, and will become *the Church of England here upon earth.*"*

Charles James of London is the Church of England here upon earth in another and a wider sense than that intended by the facetious defender of cathedral sinecures. Dr Blomfield unites in his own person, in the most remarkable way, all the various and conflicting tendencies of the several parties within the Church of England, of which he is thus a virtual representative, to an extent which cannot be predicated, so far as we know, of any other man living. Evangelicalism, Puseyism, No-Poperyism, Mammonism, Paleyite Liberalism, politico-economical Whiggism, strict High-Church principle, and lax Low-Church expediency—we have a little of everything in this most composite prelate, as in the church of which he is a ruler. His mind, like that of the

* 'First letter to Archdeacon Singleton.'

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Church of England here upon earth, is an aggregate of heterogeneities—a mass of contradictions, held in solution by the alcahest of compromise and expediency. Thus, while the ordinary tone of his theology, as seen in the St Botolph and other volumes of sermons, is what is called "decidedly evangelical," we yet find him, from the very beginning of his clerical life, on all extraordinary occasions (visitation sermons, charges, &c.) insisting strongly on a class of topics of which the evangelicals are generally shy—rubrics, canons, formularies, antiquity, legitimacy, episcopal ordination, and apostolical succession. He has charged his clergy strongly (in 1842) against the Puseyites and their opinions—"against which," he has more recently told them, "I may venture to say few persons have protested more distinctly or emphatically than myself:* yet, at the same time, he expressed his sense of the church being "much indebted to those learned and pious men," and threw his diocese into a ferment by sanctioning and recommending not a few of their antiquarian innovations. He spoke and voted strongly against Catholic Emancipation, and (though less strongly) for the Reform Bill. He loves the lottery and the great prizes—yet abhors *commendams*, pluralities, and non-residence. He is a zealous extender of the church; talks, like an apostle, of practical heathenism, sheep without a shepherd, famishing myriads, bread of life, and shadow of death—yet holds fast his palaces, his patronage, his perquisites, his 20,000*l.* a year (more or less), with 10,000*l.* secured in perpetuity to his successors—forgetting that the rent of London house alone would save the souls of a moderate-sized parish. He is as rich as a lord—yet works like a curate.

His moral and political philosophy is a mixture of Dr Paley and Dr Pusey—utilitarian on poor laws and oaths, theocratic on national education. In the politics of his two Coronation sermons we have—in 1831, Jeremy Bentham and expediency—in 1838, Archbishop Laud and divine right. Dr Blomfield is thus, in the church, what Sir Robert Peel is in the state, an epitome of all the contradictions that distract the age. As the latter represents in his own person aristocracy and industrialism, monopoly and free trade, the former represents evangelical Protestantism and the power of the keys. As the premier is a walking mirror of parliament, the bishop is a mirror of the established church. In studying the character, opinions, and public life of the busy and bustling prelate whose name heads these pages, we are, then, really studying, in a compendious way, the genius and tendencies of our ecclesiastical institutions. When Charles James of

* 'Letter to the Clergy,' June 8, 1843.

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London is mentioned, the Church of England here upon earth may be understood.

The first point which we shall consider, in illustration of the character of this prelate's mind, is *his own idea of his own office.* We place this first, because, though our bishop is by no means an idealist, is not a man much under the influence of theories, but a shrewd and dexterous man of business and the world—though he is a most misty philosopher, a feeble logician, an inscrutable moralist, and an ambiguous politician,—yet he has, on the whole, kept tolerably close, through life, to a certain notion of the functions and prerogatives of his order, which involves very important consequences. With much characteristic looseness of statement, with a weakness of reasoning explainable only on the ground that the whole thing is above reason, and with an occasional *hiatus* of concession to expediency and common sense, Dr Blomfield has, from the very outset of his ecclesiastical career, stoutly advocated the doctrine of the divine right of the bishops, priests, and deacons of the established church of England to the spiritual rule of the English people. The clerical *esprit de corps* has been strong within him from the first. Theocratic pretension—strongly qualified with political expediency—is the idea of his life. In 1815, the reverend rector of Dunton, Bucks, was as much a man of his order as is, in 1844, the right reverend Lord Bishop of London. "Obedience to constituted teachers," "sacred but laborious office of spiritual guides," "antiquity and legitimacy," "regular ordination of the apostles," "bulwarks which surround the sanctuary," "fences of sound and legitimate discipline," "affection and docility of our flocks," are the staple topics of the earliest of his theological publications that we have met with;* and, in the rector's hard hits at the "vanity" and "enthusiasm" of all "self-elected ministers of God's word," his sneer at "conventicles," and his exhortations to his brethren to exert themselves to "stop the further progress of disunion," to "put fresh incense on their censers, and to stand between the dead and the living," we already see, in the bud, the church-extending prelate who would tax dissenters' coals to endow churches for his own patronage.

When, in course of time (1824), the reverend rector of Dunton grows into a right reverend Bishop of Chester, with the living of St Botolph's, Bishopsgate, *in commendam*, he begins his episcopal life with—"I would most earnestly press upon your consciences

* See 'Responsibleness of the Pastoral Office,' a sermon preached June 1, 1815.

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the important truth that we are a distinct order of men, a peculiar people, set apart from our brethren for high and holy purposes."* And when the further progress of promotion has brought him to the full-blown dignity of the metropolitan see, he takes leave of his parochial flock in Bishopsgate with the following description of the high and holy purposes:—

"Amongst the peculiarities which honourably distinguish the Christian religion from all that had subsisted before it, and which are amongst the marks and evidences of its divine origin, is the institution of a ministry; the separation of a body of men, not merely as intercessors to offer sacrifices for the sins of the people, but to be their guides, and teachers, and examples, in things pertaining unto God."—'Sermons preached in the Parish Church of St Botolph'—(Sermon XXII).

He speaks, further on, of

"The separation and dedication of a particular class of men, to be the religious instructors of their brethren, and to minister before them, in those public rites and offices of worship which are indispensable to the maintenance of religion; to be the lights of the world, the salt of the earth, the ambassadors of divine mercy to a sinful and careless generation, watchmen to awaken mankind from the sleep of sin, stewards of the word of God, and dispensers of his sacraments. * * * We are entitled then, my brethren, on the ground of our regular ordination to the ministry, to speak to the Lord's household as those who are set over them to give them their portion of meat in due season; and to claim your attention as a body of men set apart from the people, in conformity with the institutions of our Saviour, and the directions of his apostles, to lay before you the doctrines of salvation; to declare unto you the whole counsel of God; to feed the church of God, which he hath purchased with his own blood. And with whatever degree of ability we discharge our functions, if we do it with sincerity and earnestness, we have a right to expect a serious and candid audience. We pray you, in Christ's stead, be ye reconciled to God."—*Ibid.*

The lapse into common sense with which this swelling paragraph closes, is one of those inconsistencies which we perpetually find in the speeches and writings of this divine. No man oftener seems frightened at his own logic, or shrinks back more timorously from the conclusion to which his premises would conduct him. As a reasoner, he is in the habit of being most cruelly unjust to his own majors and minors. Who is to judge, and by what criterion, of the "sincerity and earnestness" of the regularly ordained ministers of God—what becomes of the regular ordina-

* 'Charge to the Clergy of the Diocese of Chester at the Primary Visitation, 1825.'

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tion, in the possible or occasional absence of the sincerity and earnestness—where the "Lord's household" are to look to get their portion of meat, should it ever so happen that they have to choose between regular ordination without sincerity and earnestness, and sincerity and earnestness without regular ordination—and, above all, why regular ordination, preternatural divine commission, with sincerity and earnestness superadded, should only confer the very moderate "right to expect a serious and candid audience"—are difficulties on which this Light of the World sheds no ray. There would be no difficulty at all, would the preacher only keep close to the regular ordination. He mystifies the matter still more by adding—

"I am fully aware that we may urge this solemn entreaty in vain if we urge it solely upon the authority of our office, without making the whole of our preaching and living conformable with the character to which we pretend. I am aware that if there be not a conviction in the minds of our hearers, that we are, in the first place, qualified to discern the truth, and, in the second place, earnest and serious in setting it forth, our ministry will not be an effectual, a profitable, a fruitful ministry. * * *

"I do not advise you to usurp the office of judges over those whom you are commanded to honour and obey; nor ought you to be offended with the peculiarities of those preachers of the Gospel whose mode of instruction may be unsuited to your judgment or your taste. But I cannot desire you to resign yourselves to the guidance of those who do not preach Christ and him crucified."—*Ibid.*

As we are not aware that the crucifixion of Christ is denied or doubted by any class of Christian clergymen, the "preaching Christ and him crucified," means, we presume, the inculcation of certain theological doctrines connected with and growing out of that event—of which doctrines, be it observed, the laity are, by the supposition, constituted judges. So that all the appointing, ordaining, commissioning, and consecrating end in leaving the "minds of our hearers" a court of appeal in the last resort, as to the discernment, earnestness, seriousness, and orthodoxy of their clergy;—a court of appeal disabled from passing sentence in any other mode than by committing an act of schism. Did the preacher ever give his mind to the question, Whether discernment, earnestness, seriousness, and orthodoxy, with a "conviction in the minds of our hearers," evidenced by their suffrages, may not make a tolerably legitimate gospel minister, even without the regular ordination?

Of late years, our prelate's views of the preternatural dignity and authority of his office seem to have gained in boldness and precision. In the 'Three Sermons on the Church, preached

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during Lent, 1842,' the apostolical succession and divine right of bishops are advocated more fully and courageously than in any previous publication of his that we have met with. That "those who are to be saved must be added to the church;" that, "this being the case, it is manifestly a question of very great importance to every one of us, to ascertain whether he be really a member of the church;" that "there cannot surely be wanting some distinguishing marks, wherein those who seek for refuge in that ark of safety, may recognize the impress of its divine origin and authority;" that diocesan episcopacy, being "undoubtedly apostolical in its origin and authority," is such a distinguishing mark of the true church, a "credential" of "spiritual authority;" that, therefore, the bishop's own church is *the* church;—such is the gist of these 'Three Sermons'—which, it seems, the enlightened public have thought deserving of the honour of a sixth edition.

The argument is of the flimsiest, as well as stalest: but authority cannot be expected to be a good logician. It is a mere medley of inferences, of supposes, and must-have-beens —one *non-sequitur* making another "doubly sure," till we are comfortably landed in the meek and humble Q. E. D. Tertullian, Clement of Alexandria, and the rest, who "could hardly have been deceived as to the history of the church's constitution," show that so-and-so was the general usage of the church in their time; and what was general, was probably universal; and what was in use then must have been in use in the time of the apostles; and apostolic usage was almost certainly apostolic institution; and apostolic institution was quite certainly divine institution:—therefore Charles James of London is a legitimate successor of St Paul, a vicar of Christ, and ambassador of God.

From all which it necessarily follows, that Dissenters, not having been added to the church, cannot be saved. But our bishop, with his habitual inconsequence, works hard to show that this does not follow necessarily, but only probably or possibly. Having made out his own apostolicity to his own satisfaction, he proceeds (p. 52) to examine a question "of some difficulty," and of "still greater delicacy,"—viz., whether a non-episcopal "congregation of believers" "can be a true branch of Christ's Holy Catholic Church?" Why this should be any question at all, is on the bishop's principles, by no means clear. With "pity" and "lamentation," yet with "calmness and candour"—the "calmness and candour of men, who, being assured of our own safety, are desirous of seeing what degrees of security are enjoyed by those who are, or ought to be, members of the same family with ourselves,"—this most lordly and self-satisfied divine invites his auditors to calculate the chances of other people's salvation;

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taking, first, the case of the foreign reformed churches; and he spends thirteen good octavo pages in proving, from Hooker, Bishop Andrews, Archbishop Bramhall, and other grave divines, that "the divine right of episcopacy" is to be understood "in a qualified sense," and that where bishops are not to be had, it may be just possible for people to be saved, by the goodness of God, without bishops: for "Almighty God may do what he will with his own." Only he takes care to show that this piece of latitudinarianism does not mend the case of our English Dissenters; of whom "he does not understand how they can escape the guilt of schism." It is most characteristic of this prelate, who never, in all his life, that we can find, firmly grasped and consistently applied a general principle, true or false, that—after demonstrating that there is no salvation out of the true church, and that his own is the true church, that dissent is schism, and that schism is sin,—he "will not pronounce" even on these sinful, schismatic, and churchless Dissenters, the sentence which his premises logically necessitate:—

"Although none of the excuses which have been urged for the want of apostolical government in some national churches, can be pleaded in justification of those who separate from our own episcopal church, I would not pronounce, even upon *them*, the sentence of absolute exclusion from the Church of Christ, nor declare that they are beyond the pale of salvation. I think them in a state of great uncertainty and hazard; I am sure that they want many spiritual privileges and advantages which I am thankful for possessing; but I must leave the work of judgment to Him who readeth the hearts of men, and knoweth them that are His; and I will content myself with praying for them, and labouring to convince them of the duty and the rewards of unity. I remember that it was to a Samaritan leper, who was an alien from the elder church of God, one of an heretical community, that our blessed Saviour said, 'Thy faith hath made thee whole.'"—'Three Sermons,' p. 73.

If the bishop had remembered this sooner, he would have spared himself and his hearers a good deal of trouble. So that it seems, after all, either people can be saved without being added to the church, or episcopacy is not an essential sign of the church. And thus he leaves the subject and his readers in a mist. We only know that Dr Pye Smith and Dr Chalmers are in a state of great uncertainty and hazard. Dr Blomfield is sure that they want many spiritual privileges and advantages which he is thankful for possessing: but at all events they have the benefit of a bishop's doubts, an interest in his prayers, and—better still—a chance of being convinced by his arguments.

Nothing, in fact, is clear about the matter, except that Charles James of London is uncommonly fond of spiritual power, will

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take as much as is to be had for the asking, but does not very well know how much that is. Unbounded pretension, qualified by indefinite concession—this is all that we can make out of his theory of clerical and episcopal prerogative. This perplexity and self-contradiction are nowhere more apparent than in his celebrated 'Charge' of October, 1842. He approaches the subject boldly enough:—

"I think it right to offer a few remarks upon the most important of the questions concerning church government and discipline, that which relates to the source and validity of our mission, and to the extent of our authority, as ambassadors of Christ, the interpreters of his word, and the dispensers of his sacraments. I have so recently made a public declaration of my opinions on the divine institution and authority of the church, that I need not repeat them on the present occasion. If the view which I have taken of the subject be correct, it follows, as a necessary inference, that in this country the clergy of the national church, and they alone, are entitled to the respect and obedience of the people, as their lawful guides and governors in spiritual things: that they alone are duly commissioned to preach the Word of God, and to minister his holy sacraments." —'Charge to the Clergy of the Diocese of London,' October, 1842.

Yet he immediately spoils all, by adding—

"But the extent and boundaries of their ministerial authority are points which admit of a considerable diversity of opinion even amongst those who do not question its origin or legitimacy. If it be an error, leading to and partaking of the nature of schism, to deny or undervalue that authority, it is, on the other hand, injurious to the cause of truth and amity to exaggerate it, and to stretch its prerogatives beyond that which has the sure warrant of God's word." —*Ibid.*

And then the bishop gets very mystical on types and shadows, the priesthood of Aaron, the priesthood of Melchizedek, and the priesthood "which was borne by Jesus Christ himself." It is difficult to see precisely how he means to adjust the metaphysics of the question. He denies the existence of any "proper" priesthood in the Christian Church, but contends for a spiritual, figurative, and mysterious priesthood. He allows of no "proper" priestly "mediator between God and man:" but as the doctrine of the 'Three Sermons' of the Lent preceding, that the church is the "sacramental medium of the believer's personal union with his Saviour, conveying and dispensing grace," remains unretracted, we are left to do the best we can with the implied but unexplained distinction between *medium* and *mediator*. On the whole, however, the bishop is clear for con-

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structing society on the sheep-and-shepherd principle, with (as he approvingly quotes Bishop Hall) God for our father, and the church for our mother:—

"As to our priesthood, let us beware of arrogating to ourselves the character of mediators between God and men, in any sense which implies that we can stand between them and their Judge, except with reference to that mysterious efficacy which belongs to Christian intercession, by whomsoever offered in faith, and which it is our special duty to offer in behalf of the people committed to our care. At the same time let us be careful to impress both ourselves and them with just notions of the real objects and inherent worthiness of our office. It is ours to realize, instrumentally, to those for whom Christ died, the blessings of which the Levitical priesthood administered only the shadows. It is ours to graft them into the body of Christ's Church; to initiate them into the saving truths of the Gospel; to turn their hearts to the wisdom of the just, guiding them to Him who alone can deliver them from the bondage of sin; declaring, as His ambassadors, the conditions and assurance of pardon; and dispensing to His household the spiritual food of his body and blood; to do all this, and on that account to have the chief stations in that household, and to be entitled to the attention and respect of all who belong to it."

This is, to have the uppermost rooms at feasts, and the chief seats in synagogues.

"Our blessed Saviour's charge to St Peter, and through him to all his ministers, was, *Feed my sheep*. Whatsoever acts of kindness, or authority, are requisite for the due execution of that charge, with respect to those to whom we stand in the relation of pastors, it is ours to exercise, and theirs to acknowledge and submit to: but in our ministerial acts both of kindness and authority, especially the latter, we are to have respect to the church's laws and ordinances; and beyond what *they* require, we may not claim obedience. And it is well that it is so: for a spiritual authority, not so limited, in the hands of fallible and imperfect men, would be perverted, as in the example of Rome, to the ends of an intolerable tyranny over the secret thoughts and consciences, as well as the outward acts and observances of those who should be subject to it."

We have only to note here, that if these pretensions are once admitted, it is in vain to object to "intolerable tyranny" over thought and conscience. This sheep-and-shepherd principle is broad and deep enough to bear any superstructure of tyranny that episcopal pride or policy may think proper to build on it. If it be "ours" to feed the sheep, it is "ours" to hinder any one else from feeding the sheep: and especially is it "requisite for the due execution of that charge," to protect the sheep from being poisoned. Clerical monopoly of education, clerical censor-

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ship of the press, clerical *index expurgatorius* for custom-house use, suppression, by the shortest and surest methods known, of idolatry, heresy, and schism—all follow, as legitimate corollaries, from this exclusive sheep-feeding prerogative of Anglican episcopacy.

The reader must not infer, however, from the foregoing extravagances, that Dr Blomfield is a fanatic in the cause of the episcopal *jus divinum*. No man less fanatical in anything than Charles James of London. All this exorbitant high-churchism is steadily held in check by a shrewd, sagacious world-wisdom and is ready, on cause shown, with its tribute to the Cæsar of political expediency. Will it be believed, that this so sacred episcopal prerogative, the distinctive mark of Christ's Holy Catholic Church, conferred by apostolic institution, and founded on "our blessed Saviour's charge to St Peter;" this prerogative our bishop can, upon occasion, surrender into the unconsecrated hands of laymen, to be clipped and pared by act of parliament, on no higher consideration than a "balance of convenience and inconvenience." In the year 1839 a bill was before parliament for abolishing episcopal jurisdiction over delinquent clergymen, and transferring the disciplinary powers of the bishops' courts to a lay tribunal, before which the consecrated fathers of the church could appear in no more dignified capacity than that of public prosecutors. With the real merits of the measure we have no concern: but Dr Blomfield's support of it, and his way of supporting it, are of some significance as indicating the character of his mind. By his brother of Exeter it was vehemently opposed, as an infraction of the *jus divinum*, an extinction of prerogatives inherent in the episcopal office, exercised from the earliest times of the church, and as divine as episcopacy itself. And surely, not without reason. If the commission to feed the sheep, or to see that the sheep are fed—if the power of the keys, the binding and loosing prerogative really descended from St Peter and St Paul to Charles James London and Henry Exeter,—then, Charles James London and Henry Exeter, not any court of lay judges and lawyers are the proper persons to shut the door of the church againt pastors who adulterate the sheep's food with the poison of heresy or immorality. Not so, however, thinks our prelate. The binding and loosing prerogative has become, in the altered circumstances of society, "inconvenient," and bishops are better without it. The keys are all very well in their proper place—in sermons and charges; excellent in the abstract, like Sir Robert Peel's free trade: but we live in a complicated and artificial state of society, and must look at what is "now-a-days practicable:"—

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"I am free to admit that the right reverend prelate's objections to this measure are not wholly without foundation, but the measure is to be judged by a balance of convenience and inconvenience."—'Debate on Church Discipline Bill,' May 16, 1839.

"I had certainly entertained a notion very similar to the opinion expressed by my right reverend friend, that the early powers of the bishops should be restored to them; and I still think it of very great importance that those powers should be augmented; but not exactly in the manner proposed by my right reverend friend. * * * It is quite true that, according to strict ecclesiastical principle, the entire exercise of spiritual authority should be reserved, either to the bishops, or to the persons specially authorised by them. It is not, however, now-a-days practicable; and, as we must make a choice of evils, I think the adoption of the present measure will be the least. * * * I think it is one of the peculiar doctrines of the English church, that it assigns the supreme temporal headship to the sovereign; and, whatever may be the theories of divines, as stated by my right reverend friend, this is the doctrine of those who are looked to as authorities on questions of the church in connexion with the state."—'Renewed Debate,' June 4, 1839.

The power of the keys, "a theory of divines!" Strict ecclesiastical principle "not now-a-days practicable!" Episcopal prerogative, a thing to be adjusted on the principle of "a balance of convenience and inconvenience"—a "choice of evil!" And this from a man who has been busy all his life, preaching apostolical succession, divine right, and "our blessed Saviour's charge to St Peter." Why cannot this prelate see that the claim of his church to a monopoly of education is likewise a theory of divines, not now-a-days practicable, and that the principle of the balance of convenience and inconvenience would be of most wholesome application to the church of England in Ireland.

The real character of our bishop's mind is now, we presume, opening on the reader's perceptions. Dr Blomfield is a loose logician, a shallow and slippery moralist, an expediency politician. He cannot so much as state his own theory of his own office, without the most damaging and self-destructive inconsistencies. The very principle which he has been hammering at for more than a quarter of a century is not, even yet, clearly formed in his mind. The truth is, our prelate's high-churchism is not a theory of the logician, nor a dogma of the religionist, so much as it is an instinct of the natural man. Of its sincerity we make no doubt: it is the most sincere thing about him. But it is the sincerity less of belief than of passion. He loves power, whether in a parish or in a diocese; and apostolical succession is power. He exults in prerogative; and holy orders and consecration are prerogative. He has, by nature, a passion for office; circum-

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stances have given him the office of a bishop. He is a strong party man; and the church is his party. Take a man of this quality of mind, with mediocre powers of thought, but much active talent, a pushing ambition, and an inordinate thirst for business; make a priest, a lord bishop of him; admit him into the first rank of a spiritually and temporally privileged order; let his lot be cast, in an age of conflict and turmoil, when an old, sleepy, aristocratic church has to wake up and fight for its life against a young, alert, democratic sectarianism;—and you have Charles James of London, the church extender and church reformer, the anti-Catholic and anti-Dissenting politician, the man of rubrics, canons, beer bills, and Lord's day observance, the everlasting meddler in all things, great and small.

The early years of Dr Blomfield's episcopate gave little promise of that unresting ecclesiastical activity by which he has more recently distinguished himself. He had not, it would seem, as yet taken that celebrated walk (immortalised by the wit of the Rev. Sydney Smith) to the east and north-east of his cathedral, which subsequently revealed to him the existenc eof "vast masses of his fellow-creatures living without God in the world."* Frequently as he must have "traversed the streets of this crowded city," on various errands of piety and charity, it does not appear to have been with those "deep and solemn thoughts of the spiritual condition of its inhabitants," which have since so painfully oppressed him. His tone on all questions of abuses in the church was, for some years, that of the easy, comfortable, *Laissez faire* Conservatism of the old school .He gave few signs of the bustling vigour which has latterly signalized him, except being always ready with something to say in answer to Lord King's annoying and formidable attacks on ecclesiastical misdoings. "Our blessed Saviour's charge to St Peter" seemed to be in abeyance, and the sheep were left very much to take care of themselves. The service of the church was, in those days, not an apostleship, but a profession, to be made as attractive as might be to gentlemen, and gentlemen's sons, and scions of noble houses. Apostolic singleness of mind in the work of the church and the gospel was quietly set down as a non-essential. What can more thoroughly show the cold, mercantile worldliness of this man's heart, and the hollow conventionality of so much that we have heard since about "spiritual destitution," "famishing myriads," and "glory of God," than the following piece of shrewd mammonism:—

* See Speech on 'Ecclesiastical Duties and Revenues,' July 30, 1840.

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"I agree with the noble and learned lord (Wynford) that it is of great advantage to the church that the sons of the nobility and gentry should choose it as a profession. I have not the honour to be connected with any one of those families, in the most distant degree, and therefore I may with propriety be allowed to bear my testimony, not only to the splendour which the church derives from having in the ministry persons of high rank, but to the services which are rendered to religion by their learning, piety, and zeal. I am aware of the advantages, and I do not apprehend that they will be diminished, or that a less number of the sons of noble families will go into the church in consequence of any effect of this bill. Looking to the profession, of which my noble friend himself is a distinguished ornament, I see that young men of the higher ranks of society go into it without an expectation of obtaining its richest rewards: but I trust that young men go into the church with higher motives than the noble lord supposes, even though they may have their eye upon its richest rewards at the same time."—'Pluralities,' March 23, 1832.

High motives, with an eye upon the richest rewards at the same time!—as much as to say, "Thou *canst* serve God and Mammon," and both will be well pleased. And the combination is one productive of "great advantages," nay, even of "splendour" to the church. We would not believe, on the authority of twenty Tertullians, that the speaker of such a speech is any successor to the fishermen of Galilee.

The bishop's zeal in the cause of church reform was, in those days, of the most drowsy description. He had a low notion of the "Responsibleness of the pastoral office." The idea of a self-acting, self-regenerating energy in the church was not in all his thoughts. When Lord King once urged parliament to take the business of church reform into its own hands, as "it could not be expected that any useful reform of abuses in the church should come from the members of the church themselves—it was proved by experience, from the Reformation down to the present time, that the prelates of the church had shown themselves more disposed to protect the many abuses in the church, &c.," our bishop mildly confessed and justified:—

"When the noble lord says that not much has been done, and refers to experience, he seems to forget that it is only of late years that any expectation of improvement has been formed. The imperfections of the church have only attracted the attention of the public within a few years; and it is only within that period that an impetus has been given to the clergy to enter into any investigations on the subject."—'Church Reform,' February 7, 1833.

That is to say, the church of Christ is responsible for neglect of duty only to parliament and the newspapers: the successors

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of St Peter and St Paul may slumber on in the commission unblamed, and let the sheep starve, till the attention of the public is attracted, and an impetus given. As if the Gospel itself ought not to be impetus enough to its own divinely ordained and consecrated ministers! But our bishop took things easily then. Of abuses in the church he knew nothing—the one primary abuse excepted, of not having money enough. In those days he saw no abuse in the twenty-nine clerical sinecurists of St Paul's dividing 12,000*l.* annually of church money, with "an immense population," within an easy walk, "in the most wretched state of destitution and neglect."* On the 8th of August, 1834, a Whig peer having spoken of "great abuses existing in the church establishment," he quietly "protested against the terms 'great abuses:'"—

"In the popular acceptation of these terms, there are no great abuses in the church of England, and none for which it is in truth blameable. The fact is, that no legal enactment can remove pluralities without destroying the efficiency of the church in some of its most important branches. Those evils, which are styled abuses, are not chargeable on the present generation, or indeed on any generation, of the clergymen of the church of England. They have been inherited from the papal system, amongst which the existence of lay impropriators is the very worst abuse."—'Reform of the Church,' August 8, 1834.

We think these things worth placing on record, trivial as they may seem, because they show what Dr Blomfield's zeal as a church reformer and extender is really worth—how much of the fervid missionaryism of his later years springs from a deep, inward sense of duty, and how much from mere ecclesiastical party spirit. During the first seven years of his London episcopate, he endured, without a murmur, the spectacle of "vast masses of his fellow creatures living without God in the world;" uttered no jeremiads on "spiritual destitution;" and let his commission to feed the sheep stand over, until a sufficient impetus should be given from without to enter into an investigation of the subject. He had been a successor of the apostles, and ambassador of God, for upwards of ten years, before giving any signs of being moved by the apostolic spirit. This is Dr Blomfield—and this is the established church of England as at present constituted: cold worldly indifferentism, when let alone—when roused, hot, fierce, sectarian busybodyism.

At length the impetus came; and the cold fit was followed by a hot fit, which has continued, with little intermission, down to

* See Speech of July 30, 1840.

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the present time. The vigorous dissenting agitation of ten or twelve years ago against church establishments in general, and church rates in particular; the ceaseless attacks on ecclesiastical abuses, made in parliament and the press; the accession of strength—of hope, at least—which the Dissenting democracy had derived from the Reform Act, at last roused the heads of the church to the necessity of putting their house in some kind of order. It was plain, once for all, that the Church must exert itself, or go down; and accordingly, early in 1835, a royal commission was appointed, "To consider the state of the established church in England and Wales, with reference to ecclesiastical duties and revenues." Of this commission the Bishop of London was a member—it is generally understood, the most active and influential member.

From this period our prelate became a zealous church reformer, an enthusiastic church extender. It must have been about this time that he first took his never-to-be-forgotten walk to the east and north-east of St Paul's. The spectacle of spiritual destitution and practical heathenism, of sheep without a shepherd, of souls perishing by the million for lack of the bread of life, affected him with the most distressing solicitude. However free the church might be from "great abuses, in the popular acceptation of the term," the existence of manifold and grievous "imperfections" could no longer be overlooked. As he "traversed the streets of this crowded city," it was "with deep and solemn thoughts of the spiritual condition of its inhabitants." He found himself "in the midst of an immense population in the most wretched state of destitution and neglect;" he was "brought into contact with vast masses of his fellow-creatures living without God in the world," *i. e.*, without churches and clergymen. The sight was more than man or bishop could bear. More churches and clergymen become, henceforth, his thought by day and his dream by night. But churches and clergymen cost money; accordingly, more money is the one thing needful. Yet how is the money to be obtained? A parliamentary grant, in blank—the blank to be filled up by a committee of bishops, with Charles James London for chairman, treasurer, and secretary—would be the true thing: but parliamentary munificence, unfortunately, is a dubious resource in this unbelieving age; though our bishop "hopes that the time will come" when the legislature will awake to a sense of its responsibilities, and church extension be regularly taken up by the Chancellor of the Exchequer. The evil, meanwhile, is "enormous;" the case is one "of immediate, and pressing, and growing urgency," and will bear no

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delay. As he tells his clergy,* in all the emphasis of italics—"*The spiritual destitution of the people must be remedied, and their wants supplied.*" And again he says, with the same typographical token of being extremely in earnest—"*We want for these purposes*" (*i. e.*, for the augmentation of poor benefices, and the endowment of new ones), "*all that we can obtain, from whatever sources derived.* What is to be done? It might be thought, perhaps, that the twenty-six right reverend doctors of divinity on the bench could spare something out of the 157,737*l.*, which they annually divide among them; but this source seems never to have occurred to our prelate's thoughts. Happily, the bishop's walk itself at once discloses the evil, and suggests the remedy. While traversing London streets, wrapped in deep and solemn thought—

"I pass," he says, "the magnificent church which crowns the metropolis, and is consecrated to the noblest of objects, the glory of God; and I ask of myself in what degree it answers that object. I see there a dean and three residentiaries, with incomes amounting in the aggregate, to between 10,000*l.* and 12,000*l.* a-year. I see, too, connected with the cathedral twenty-nine clergymen, whose offices are all but sinecures, with an annual income of about 12,000*l.* at the present moment, and likely to be very much larger after the lapse of a few years."—'Ecclesiastical Duties and Revenues,' July 30, 1840.

From that moment, accordingly, the cathedral sinecures of England and Wales are doomed to contribute, at the rate of from 120,000*l.* to 130,000*l.* per annum, in aid of spiritual destitution.

This appropriation of sinecure cathedral endowments to purposes having the semblance, at least, of public utility, was, no doubt, a rational and right thing in itself; but the ecclesiastical pruning knife is handled with an ill grace by a Christian minister, with two palaces and the income of a lord. We have no great faith in the efficacy, for any purpose of high and lasting social good, of what is called church extension; give the people schools, and churches and chapels will come of themselves, as many as may be wanted. Yet the demand would be, at least, entitled to a respectful hearing, if it came from earnest, simple-minded men, evidencing the sincerity of their zeal for the relief of spiritual famine, by cutting down their own secular luxuries—willing to sacrifice an odd butler or footman to give an additional shepherd to the sheep, and to endow a starving parish out of the spoils of a spare palace—nay, in the fervour of their

* 'Charge delivered to the Clergy of the diocese of London, at the Visitation, in October, 1838.'

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zeal for the destitute myriads, not always drawing the line carefully between luxuries and comforts. Such men there are among the extenders of the Free Church of Scotland: but Charles James of London is not Thomas Chalmers, though there was a time when he loved to quote his Presbyterian brother as a high authority, in questions of ecclesiastical policy. The enormous incongruity of these loud professions of apostolic zeal, with the sturdy retention of such unapostolic revenues, is well lashed by the master-hand of one of the assailed sinecurists:—

"Our holy innovator, the Bishop of London, has drawn a very affecting picture of sheep having no shepherd, and of millions who have no spiritual food. Our wants, he says, are most imperious; even if we were to tax large livings, we must still have the money of the cathedrals; no plea will exempt you; nothing can stop us from the formation of benefices and the endowment of new ones. We want (and he prints it in italics) for these purposes, '*all that we can obtain, from whatever sources derived.*' I never remember to have been more alarmed in my life than by this passage. I said to myself, the necessities of the church have got such complete hold of the imagination of this energetic prelate, who is so captivated by the holiness of his innovations, that all grades and orders of the church, and all present and future interests, will be sacrificed to it. I immediately rushed to the acts of parliament, which I always have under my pillow, to see at once the worst of what had happened. I found present revenues of the bishops all safe: that is some comfort, I said to myself. Canterbury, 24,000*l.* or 25,000*l.* per annum; London, 18,000*l.* or 20,000*l.* I began to feel some comfort. 'Things are not so bad; the bishops do not mean to sacrifice to sheep-and-shepherd money their present revenues; the Bishop of London is less violent and headstrong than I thought he would be.' I looked a little further, and found that 15,000*l.* per annum is allotted to the future Archbishop of Canterbury, 10,000*l.* to the Bishop of London, 8,000*l.* to Durham, and 8,000*l.* each to Winchester and Ely. 'Nothing of sheep and shepherd in all this,' I exclaimed, and felt still more comforted. It was not till after the bishops were taken care of, and the revenues of the cathedrals came into full view, that I saw the perfect development of the sheep-and-shepherd principle, the deep and heartfelt compassion for spiritual labourers, and that inward groaning for the destitute state of the church, and that firm purpose, printed in italics, of taking *for these purposes all that can be obtained, from whatever sources derived.*"—Rev. Sydney Smith's 'Third Letter to Archdeacon Singleton.'

The 'Proposals for the Creation of a Fund to be applied to the Building and Endowment of Additional Churches in the Metropolis' belong to this epoch of our prelate's life, and render a useful contribution towards a just estimate of his character.

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The startling magnitude of the object announced by the bishop, in these 'Proposals;' the preposterousness of some of his means; the quiet, steady courage with which he invites the people to tax themselves (both on the voluntary and the compulsory principle) to give consecration fees and patronage to him—show a grasping ecclesiastical ambition for which nothing is too large, and an appetite for power which scorns even the appearance of moderation. He expresses his "desire and hope" that

"A very large fund may forthwith be raised, for the purpose of building, or purchasing, and partly endowing, at least fifty new churches, or chapels, in the most populous parts of the metropolis and its suburbs."

In regard to the endowment of these "at least fifty" new churches or chapels, he says—

"I have reason to expect that considerable means will be afforded to me, for the endowment of additional churches, from the property belonging to the prebendal stalls in St Paul's Cathedral, the suppression of which, as they shall become vacant, has been recommended by the church commissioners; and to some portion of the property of which I may fairly assert a claim, in behalf of those parts of my diocese which are in a state of spiritual destitution."

But, as "we want for these purposes all that can be obtained, from whatever sources derived," the bishop is not satisfied with the anticipated proceeds of voluntary contribution and prebendal stalls together. He foresees a deficit in the "very large fund;" and provides for it by the modest and well-judged expedient of a new *tax on coals;* so happily adjusted that, while it would be "trifling," "scarcely felt by the consumer," "enhancing the cost to the consumer in so small a proportion as hardly to deserve the name of a burthen," it would, at the same time, yield towards the very large fund "somewhat more than 18,000*l.* per annum."

Having secured the churches and the endowments, our prelate proceeds boldly to the climax and conclusion of the whole matter. Where there are churches there must be clergymen, where there are clergymen there must be patronage, and where there is patronage there must be a patron. An office this, of "difficulty, as well as responsibility," which, it may be presumed, few persons would like to undertake, and fewer fitly discharge. The bishop foresees the obstacle, and meets it like a bishop. He will be the patron of the, at least, fifty new churches. He has consulted the friends of the church on the subject, and they so advise:—

"The endowment of these new churches will probably, in any

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case, be so small, that the right of nominating ministers to them will impose a task of difficulty, as well as responsibility, upon those who shall possess it. The opinion of the greater number of those friends of the church whom I have consulted on this matter is, that where the right of nomination does not follow the course of law, as it would in the case of chapels of ease, it should be vested, generally, in the bishop of the diocese. If, in any case, it should be thought expedient to adopt a different arrangement, the patronage may be vested in individuals, or in official trustees. But I am desirous of avoiding the system of elective trusteeship."

Was there ever a bolder stroke for power than this? Fifty new churches, "at least"—with endowments, patronage, and consecration fees—to be paid for (in part) out of poor men's coals! The bishop seems to consider it a very fair, nay, a rather handsome proposal on his part. The patronage portion of the scheme gives it a character of reciprocity, which would otherwise be wanting. Only let the consumers of coals submit to a burthen which would hardly deserve the name of a burthen—and he will charge himself with all the difficulty and responsibility of finding fit clergymen for them. Yet one might have thought that, in the course of his walk of a mile or two to the east and north-east of St Paul's, he would have discovered signs, not only of spiritual, but of temporal and physical destitution, enough to make a good man shrink from enhancing the cost of a prime necessary of life, in any the smallest proportion. He is economist enough to know, that that which would hardly deserve the name of a burthen at Fulham, and be scarcely felt by the consumer in St James's square, may be an object of some little importance in Shoreditch and Bethnal green.

Of the determination to get money, "from whatever sources derived," our prelate gave a notable proof in the matter of the Weaver Churches Bill of 1840. The public have, probably, almost forgotten this business—one of the most shameless jobs of our time. The conservatorship of the river Weaver, in Cheshire, is, it seems, vested in the hands of certain trustees, who are bound, after providing for the "good order and use" of the navigation, to pay over the surplus of the tolls in aid of the county rate. In the year 1840, the affairs of the river being in a remarkably flourishing condition, this surplus, the property of the rate-payers, amounted to a considerable sum; and presented to men whose only want is money, from whatever source derived, a temptation too powerful to be withstood. Accordingly, a bill was brought into parliament, and eventually passed, to confiscate 6,000*l.* of this county rate fund for church-building. That nobody really wanted the churches, that the people for whose use

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they were professedly intended were mostly Dissenters, of course strengthened the case rather than otherwise. Our bishop's argument in favour of this Appropriation bill, of which he was a zealous supporter, is a curiosity worth preserving:—

"It may be expedient for me to state the objects of this measure. Your lordships are perhaps not aware of the real circumstances of the case: and I will therefore inform you that it arises from the extremely flourishing condition of the river Weaver navigation, in consequence of the faithful discharge of their duty by the trustees of the river. A certain act of parliament which has been passed empowers them to expend such portion of the tolls as they may think fit, in maintaining the good order and use of the navigation; and they hold it to be most important for that purpose that the labourers employed on that river should be honest and trustworthy persons. But it is impossible to expect this, unless they are religious; and there is no possibility of their being so, unless they receive religious instruction. The trustees have already passed a bye-law preventing the labourers from working on the Sabbath-day; but the consequence of that is, that a numerous body of persons assemble on the banks of the river on Sunday, having little opportunity of attending any place of divine worship, or obtaining religious instruction; for, of the churches at the three principal points of the river, two afford very insufficient accommodation for religious worship, and the third no accommodation at all. The trustees, therefore, propose to devote the sum of 6,000*l.*, part of their accumulated funds, to the building of three churches on the banks of the river."—'Weaver Churches Bill,' July 28, 1840.

This is valuable, as showing what the bishop would do if he could. The principle of the episcopal argument is absolutely omnivorous. It would leave no man a penny that he could call his own. For "it is most important," for *every* purpose of society, that *all* "labourers should be honest and trustworthy persons: but it is impossible to expect this, unless they are religious: and there is no possibility of their being so, unless they receive religious instruction:" and they can receive religious instruction only in churches. On the same principle on which our bishop takes this 6,000*l.* from the Cheshire county rates, he might lay his hands on all public rates and funds, parochial, county, and national; all railway and canal profits; all mercantile, banking, and farming profits; all men's money, public and private, out of which, directly or indirectly, wages of labour have to be paid; and turn the whole into one vast consolidated church-extension fund, for the better promotion of the honesty and trustworthiness of labourers. Had he somewhat more power than the very ample allowance which he already possesses, it would be necessary for every man (following the

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example of the prudent canon of St Paul's) to keep the acts of parliament constantly under his pillow, by way of being prepared for the worst.

We do not know that Dr Blomfield's temper anywhere appears in a much more unpleasant light than in the bills introduced into parliament, in 1836, by the Ecclesiastical Commission, of which he was the most active member, and for whose proceedings he may fairly be regarded—probably would not object to be regarded—as specially responsible. More money, and more episcopal power—money, from whatever sources derived; power, at whatever cost to the rights and feelings of the parochial clergy—seem to be this prelate's notion of church reform. In particular the 'Bill to abridge and regulate the holding of benefices in plurality, and to amend the laws relating to the residence of the clergy, and to the appointment and payment of stipendiary curates, in England,' bears on it the marks of a love of power that knows no bound. Under a show of correcting ecclesiastical abuses (for which end many of its provisions are no doubt well-fitted), it is in reality a bill for making the parochial clergy the very humble and obedient servants of their bishops. Proceeding on the tacit assumption that prelates can do no wrong, it arms episcopacy with powers of interference and annoyance of so arbitrary a nature that no mere discharge of duty, however diligent and devoted, could secure a clergyman against their being employed to his utter ruin, by a capricious or malicious diocesan. With the stringent non-residence clauses —enabling the bishop to sequestrate, according to circumstances, from one-third to three-fourths of an absentee's income—we have no quarrel: non-residence is a real offence, in morals as in ecclesiastical law, and a sufficiently definable and provable one to be a fit subject of legal penalties. But what shall we say to a law empowering a bishop to punish, on no other evidence than his own opinion, the vague and non-definable offence of "inadequate performance of duty"—which may mean anything or nothing, preaching old or dull sermons, reading prayers with a weak voice, paying too few or too short pastoral visits, or being on the wrong side in politics—with a permanent income tax of 50 per cent. The 56th clause of this bill, as originally introduced (it was not allowed to become law without considerable alteration), provides that "whenever it shall appear to the bishop, upon sufficient proof laid before him, that the ecclesiastical duties of a benefice are inadequately performed"—whether the inadequate performances arise from the non-residence, or "by reason of the negligence, *age, or infirmity* of the spiritual person" serving the same—then the bishop, "by writing under his hand," may "re-

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quire the spiritual person holding such benefice, *though he may actually reside, or perform the duties thereof,* to nominate to him a fit person or persons, with sufficient stipend or stipends, to be licensed by him to perform, or to assist in performing such duties:" in case of the "spiritual person" omitting to make such nomination, the bishop to appoint the curate or curates. A proviso is added, that such stipend or stipends shall not, except in case of negligence, "exceed one-half of the net annual value of such benefice:" and if the "spiritual person" shall "think himself aggrieved by any such appointment of such curate or curates," he is kindly allowed to appeal to the archbishop.*

We wonder how the spiritual person performing the duties of the see of London would like to have a curate, bishop, or bishops, fastened on him—say at the Lord Chancellor's discretion—with stipend, or stipends, sliced out of his net annual revenues, to an amount not exceeding one-half of the same: subject to appeal to her Majesty in council. A better-aimed or more deadly blow at everything like a manly independence of mind and action on the part of the parochial clergy could not be conceived, than this curacy clause, which makes one-half of every clergyman's income contingent on its appearing to his diocesan that his duties are adequately performed. Had it passed, every prudent clergyman's first object in life would thenceforth have been—at whatever cost to his own self-respect—to keep on perfectly pleasant terms with his bishop. But clerical independence has no charms for Dr Blomfield. He seems to be one of those prelates who, as a high authority tells us, "like best in their clergy *a dropping-down-deadness of manner.*† On his notion of the relation in which the parochial clergy of the Church of England stand to their bishops, some light, not of a pleasant sort, is cast by the following on clerical petitions and petitioners:—

"My right reverend friend (the Bishop of Exeter) has dwelt with exultation on the fact, that not less than 3,000 signatures are attached to petitions against this bill; 3,000 out of 12,000 or 15,000 clergymen interested in the question. My lords, considering the methods which have been employed to obtain signatures, I am surprised that a far greater number have not been procured. I could

* The case of curates under this bill is still worse. Clause 79 empowers the bishop, "after having given to the curate an opportunity of showing reason to the contrary, to revoke, summarily and without further proceeding, any licence granted to any curate, and to remove such curate, for any cause which shall appear to such bishop to be good and reasonable;" with right of appeal, as before, to the archbishop.

† Rev. Sydney Smith's 'First Letter to Archdeacon Singleton.'

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easily get as many to petition upon any subject connected with the church. The mode by which, in the present case, a great proportion of these signatures have been obtained is as follows: the archdeacon, who has always great influence with the parochial clergy, and justly so, as visiting them every year, and as being in habits of more familiar intercourse with them than their bishop, and who is moreover considered by them as acting in some degree with the sanction of the bishop, circulates printed forms of petition against the bill amongst the rural deans; the rural dean goes with them to the parochial clergy; and he must be a bold or a very well-informed man who refuses to sign a petition so recommended by his immediate ecclesiastical superiors."—'Ecclesiastical Duties and Revenues,' July 30, 1840.

That is to say, the parochial clergy of England have neither consciences nor understandings that they can call their own. And this disgracefully abject condition of the religious and moral instructors of the community our bishop describes—without a syllable of regret or shame—with the air of a man expounding the *rationale* of a somewhat curious and interesting fact, with which the public may not be generally acquainted. He would, indeed, be a very bold man, but scarcely well-informed in the realities of his social position, who should venture to demur to the recommendations of ecclesiastical superiors having the power to "curate" him out of half his income.

Naturally allied with this arbitrary, domineering temper towards the inferior clergy of his own church, is our bishop's jealous hostility towards "them that are without." How much of honest bigotry there may be in Dr Blomfield's feelings and conduct towards dissidents from the Established Church, how much of policy, how much of pride and party spirit, and how much of sheer ill nature—we do not undertake to decide. Perhaps the four are mixed in about equal proportions. But certain it is, that though Catholics and Dissenters may have more truculent enemies on the episcopal bench, they have none more persevering and formidable than this prelate. To the Catholics in particular, in every form in which Catholic claims have ever been presented to parliament in his political life-time, he has been pertinaciously, at times even fiercely, opposed. In 1825 he began his parliamentary life, as Bishop of Chester, with strong speeches and the presentation of stronger petitions (those from his diocese were noted for their violent and inflammatory character) against Emancipation.* In 1827 (March 16) he was one of those who "thought they saw the finger of God" in cer-

* It would seem that, on this point, as on some others, Dr Blomfield

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tain trumpery successes of some silly, proselytising Anglo-Irish bigots, and denounced "woe to those who should presume to lift up their hands and voices in vain and impotent attempts to stem the flood of light that was bursting over the country." His objections to Emancipation remained, to the last, "insuperable," and he spoke and voted against the bill of 1829. Since then the old No-Popery *furor* has never failed to manifest itself on all fit occasions. His opposition to the Appropriation clause of the Irish Tithe Bill of 1835 was almost frantic. In his speech on that occasion he treats with sovereign contempt the idea of "pacifying the Roman Catholics" by "sacrificing upon the altars of their hatred and ambition the holocaust of a Protestant church;" clings fast to the bigot's dream of proselytising Ireland

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belongs to the class of "recreant Whigs." In his first anti-Catholic speech (May 17, 1825) he says—

"I do remember the time when my mind, imbued with those principles of civil and religious liberty which are interwoven with the very rudiments of education in this country, and disgusted with the severity of the penal code in some of its more hideous features, was inclined to regard the claims of the Roman Catholics with favour. But when I became more thoroughly acquainted with the doctrines," &c.

Yet, with that talent for self-contradiction which never fails him, he shows, in this same speech, that the smallest relaxation of the more hideous features of the penal code would be the beginning of the end of true religion:—

"Most truly, my lords, was it observed of Popery, in the remonstrance of the Commons to King James I: 'It hath a restless spirit, and will strive by these gradations. If it once get but a connivance, it will press for a toleration; if that be obtained, they must have an equality; from thence they will aspire to a superiority; and will never rest till they have got a subversion of the true religion.'"

Which means, if it means anything, that Popery ought not to be connived at.

The above was written before the debate of the 30th of July last, on Lord Beaumont's Bill for the Repeal of the Penal Acts affecting English Catholics. We confess we were not prepared, though we thought we knew our bishop pretty well, for such an exhibition of intolerance, ill temper, and paltry official pride, as he made on that occasion. A measure of the merest common sense—we may almost say, common decency; a bill for sweeping from the statute-book abominations and absurdities whose very existence was undreamed of, except by a few antiquarian lawyers—for effacing, not a few last remnants only, but the original most hideous features of that penal code by which Dr Blomfield was once so much disgusted; a bill for enabling Catholics to hear and say mass, to educate their children, to travel three miles from home, to approach within ten miles of Dr Blomfield's Protestant presence, to ride horses of the value of 5*l.* 1s. and upwards without incurring the penalties of fine, forfeiture, imprisonment, outlawry, *præmunire*, and high treason; a bill (as the Lord Chancellor described it) for repealing laws not only bigoted and barbarous but "outrageously absurd;" this bill, against which one would have supposed no human creature could have breathed a whisper of objection, was met by the Bishop of

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to Protestantism; and holds up divine judgments *in terrorum* to the Whigs:—

"If the light of God's truth is yet to burn upon the altars of his sanctuary in that land, and to shed a dim but blessed light upon those who are sitting in darkness and the shadow of death, and who will not receive the full and direct enlightenment of its beams, this can only be ensured by your resolutely upholding the Protestant Established Church. My lords, do not dissemble to yourselves the truth, that this measure is the first—no, not perhaps the first*—but the boldest and most gigantic stride which has yet been taken towards the entire suppression of Protestantism in Ireland. But surely, my lords, we ought to deal with that country as though it might one day become Protestant. If we are sincere Protestants ourselves, and believe that truth will ultimately prevail, we must entertain that persuasion. * * * The interests of the Protestant faith in that country demand the support and aid of an establishment; and your lordships will have to answer before God for pass-

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London's surly and spiteful noncontent. And he did the bad thing in about the worst way. It was not that he "wished to continue the obnoxious statutes referred to;" he was "most anxious to guard himself against any suspicion of that kind." His reason was a very short one: he, Dr Blomfield, and the other "heads of the church," who "ought to be consulted upon matters affecting so much the interests of the church," had not been consulted at the right time and in the right way; and most of them were now "absent upon more important duties." Anxious, however, as our bishop was to guard himself against any suspicion of wishing to continue the obnoxious statutes, we cannot say he was very successful. As he warmed with his subject, he manifested something like a very strong wish in favour of the obnoxious statutes:—

"From the time of the Reformation, the constitution of this country had been not only a Protestant, but an anti-Popish constitution; and the legislature had, from time to time, passed acts not only declaring its repugnance to the errors of the Church of Rome, but in the most energetic manner declaring their determination to oppose everything that might have a tendency to tolerate Popish doctrines in this country; and he believed, with the exception of the act of emancipation, this was the first instance of the legislature proposing to break down those acts which were framed for the protection of the Protestant constitution. Many of those acts, he admitted, had been passed rather under the influence of panic than legislative wisdom, but they all formed links of that chain upon which the Protestant constitution depended; and though some of them might be rusty and not trustworthy, they must consider the bearing of each in relation to the whole before they ventured to remove any one of them. This was a subject with a part of which they could not safely deal. Nineteen out of every twenty clergymen agreed with him when he entreated their lordships to defer a change of such vast importance, of which this could only be regarded as the beginning of that the end of which no man could foresee."

This needs no comment. Could anything be more mischievous in temper, or more mean in intellect?

* The bishop seems here to have bethought himself of the Irish Church Temporalities Bill of 1833 (suppressing ten bishoprics), for which, in one of his "expediency" fits, he voted.—See his most curious speech of July 19, 1833.

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ing such a measure as this, which would go to destroy its existence." —'Tithe and Church (Ireland) Bill,' August 24, 1835.

"Most sacred principles," "holiest feelings," "loveliest sympathies," "spoliation and sacrilege, ruin and confusion"—wind up this diatribe against a plan for giving to the Irish people a prospective and possible interest in an infinitesimal fraction of Irish national property.

Since the Irish Appropriation question has gone to sleep, and the Corporation question been settled (he opposed this too), the bishop has had less to do in this peculiar line of Christian duty. Yet such opportunities as have arisen for showing that the old bad and bitter spirit of his No-Popery days still lives, he has industriously improved. Thus, in 1839, in the discussion on the Prisons' Discipline Bill—it having been proposed that, under certain specified circumstances, prisons should be provided with Catholic chaplains—this lynx-eyed defender of the faith saw nothing less in the suggestion than the "subversion of true religion," of "all religion:"—

"It is impossible to doubt, that if this advantage be given—I speak with the greatest respect towards the Roman Catholic Church—looking to the present state of the controversy between the two churches, that it be made the means of making proselytes in the prisons. The Roman Catholic priest will take advantage in the prisons of those peculiar opportunities which his religion affords him for disseminating his faith; and many months will not elapse before many Roman Catholics will be found in the gaols. * * * If your lordships sanction this clause, you may at some future day have the melancholy satisfaction of looking back and saying that you, from motives of charity, have done that which has ended in the subversion of true religion and the subversion of all religion—veneration and respect being paid to none."—'Prisons,' July 18, 1739.

And Dr Blomfield may already have the melancholy satisfaction of looking back and saying that he, from motives which we care not to assign, has done, or helped to do, more mischief to the British empire, than he, and the whole bench of bishops, and all Exeter Hall together, could now undo, though they repented in sackcloth and ashes. The sour, spiteful, No-Popery zealotry of this prelate, and of those whom he leads, or whom he allows to lead him, have by this time made a "difficulty" which no British statesmanship yet extant knows how to master.

In 1840 the bishop did his best to make a second Ireland of Canada. The Clergy Reserves Bill of the legislature of Upper Canada, distributing the church lands of that province among the different sects, by the rule of numerical proportion—a bill which the Governor-General reported to be "of vital importance

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to the peace and tranquillity of the province," and absolutely indispensable to the pacific working of the Act of Canadian Union, and the possible rejection of which, by the Imperial Legislature, he depreciated in the strongest terms that official language affords, as a fatal public calamity—this bill, plainly the only thing that could save Canada from a second rebellion and civil war, worse than the first, the Bishop of London thought it decent and Christian (March 30th) to liken to "highway robbery." It was not for the value of the property that he cared—waste public lands, barren of everything save the ecclesiastical root of bitterness—"a perpetual spring of discord, strife and hatred" is the governor's expression; but the sacred principle of church monopoly was at stake, and so we find him pleading hard for a few years more of the discord, strife, and hatred:—

"I greatly regret to hear the intimation of the noble viscount as to his intention of recommending to her Majesty to assent to this measure. A more unjust, a more unconstitutional measure was never submitted to parliament. I shall, on the proper occasion, be prepared to justify this expression, and I hope your lordships will regard the measure in the same light, and interpose your shield between the Established Church in Canada and the deadly blow which is aimed at it in this measure. The bill takes away from the church the whole of its reserved lands, and restores to it but one-fourth, and this in a manner which greatly lessens the value even of that one-fourth, and tends to sow the most lamentable dissensions. I am assured, however, that the mere perusal of the measure will induce noble lords to come down in strength to resist this attack made on the church, through the sides of the clergy in Canada."—'Canada,' March 23, 1840.

For what are peace on earth and goodwill among men compared with the interests of the Established Church? Happily for the peace of Canada the episcopal signal of distress was unregarded, the bill passed, and British North America was saved from the curse of a Protestant ascendency.

This prelate's ecclesiastical *amour propre* absolutely knows no bounds. So completely has church got possession of his thoughts as the one only thing in the universe worth legislating or living for, that he seems unable to comprehend the possibility of other men's minds being less intensely ecclesiastical than his own. Actually, he expects the very Jews themselves, whatever their private opinions may be (for which he has all possible respect), to feel and act like good orthodox church Christians; begs them, in the name of the Christian church, to please be so good as waive their civil and political rights, because the assertion of them may be inconvenient to the established religion. His argument on

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Jewish emancipation is of the following unmatchable extravagance and absurdity:—

"I apprehend no danger of being outvoted in parliament by a few persons, nor do I apprehend from the Jews any malignant motives against the Christian religion. The danger I dread is, lest we should impress the people of England with the feeling that the legislature is indifferent to the true religion; and I am sorry to see that indifference daily growing greater on the part of the legislature towards the Christian religion, which is honoured and upheld by the nation. The lesser inconvenience that may be caused to a few individuals is not to be put into competition with the injury that any indifference of the legislature towards religion would cause to that religion in the minds of the people. I would, therefore, call on the respectable body of persons who stand at the bar of this house, to waive their claims when they consider the great inconvenience which would arise by granting them, to the established religion. I allow their moral worth; for I have had under my care a large parish in which many of them resided, and I found them a most moral, liberal, and loyal class of persons. Therefore it is not without the deepest feeling of pain that I feel bound to oppose their wishes on the present occasion."—'Emancipation of the Jews,' August 1, 1833.

We doubt whether there is a second man in either house of parliament, capable of such a piece of impertinence as this. People who do not believe in the Christian religion are politely requested to undergo martyrdom in the cause of the Thirty-nine Articles—to sacrifice their social rights to the convenience of Anglicanism—to waive their claim to political existence, for fear of weakening people's faith in Christianity. And this from a man who is never asked to waive the most trumpery claim of his own church, whether it be to pacify Ireland, educate England, or avert rebellion and civil war in Canada—but he cries out "sacrilege," "spoliation," and "highway robbery."

Passing over many smaller matters which we had noted for remark in Dr Blomfield's parliamentary life, as illustrative of that spirit of ecclesiastical sectarianism which he has of late years increasingly exhibited, we come to his conduct on the Education question, in 1839. The part which he then took in the agitation against the government proposal for erecting a normal and model school on unsectarian principles, contains, perhaps, a completer exhibition of his character than we shall find anywhere else within a like compass. The sectarian narrowness and bitterness, the unscrupulous party spirit, the episcopal busybodyism, together with a facility of self-contradiction, a seeming muddle-headedness, such as no other prominent public man of our time has ever, that

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we remember, shown in the same degree—all are here, each in its perfection. The last, in particular, to an extent that is really amazing. All through this agitation of 1839, it is absolutely impossible to get at the bishop's meaning, further than that he means mischief, somehow, to the Dissenters. It is perfectly clear that he is prepared to oppose, at whatever cost to our highest national interests, any kind or degree of national education, which, in his view, can directly or indirectly impair the ascendency of the church party over the dissenting party; but nothing can be less clear than the theory of his opposition. Dr Blomfield, in the summer of 1839, held *all* the following opinions:—

It is both expedient and right that the education of the people at large should be left in the hands of the clergy of the church—the church being, in this country, the authorized organ and instrument of national education in its largest sense.

The clergy of the church ought to conduct the whole process of national education, so far as religion is concerned; but do not claim the superintendence of the secular parts of education.

The attempt to separate secular education from religious—leaving the latter only in the hands of the clergy—would be a fatal mistake.

Perhaps a plan may be devised by which the general object of promoting popular education may be entrusted to some public body, reserving to the church the exclusive direction of religious education in her own schools.

By the principles of the reformation, and by statute law, the clergy of the church are the constitutional instructors of the poor.

The clergy of the church have a right to the exclusive religious education of the children of those who belong to the church.

Dissidents from the church may be aided, in the religious education of their children, by the state, in the way of charity.

The theological neutrality professed by the British and Foreign School Society is treason against the truth.

Pecuniary advances from the state in aid of the British and Foreign School Society may be made without compromising any vital and essential principle.

The church has not a right—the clergy have never put forward a claim of right—to more than the exclusive religious education of the children of the church.

Such is Dr Blomfield as an educational philosopher. There is not one of the preceding positions which he has not advocated within the not very long period of six weeks. From the claim—on grounds of religious principle, constitutional right, statute law, and expediency—to the general education of the whole people; to the disclaimer of either the right or the desire to do more than

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control the religious education of the children of such of the poor as belong to the establishment—from the one of these extremes to the other, and back again—sometimes pausing awhile, sometimes not, at the intermediate points—we see him oscillate, in the same speech, sometimes even in consecutive sentences of the same speech, with an apparent incapacity of attaching meaning to his own words, which is absolutely astounding. One only thing in the whole matter is quite clear of doubt and contradiction—that Charles James London may always be relied upon to oppose any and every plan for national education, in which he, Charles James London, is not allowed to have everything his own way.

As our bishop's opinions and conduct with reference to this Education question of 1839 throw much light on his character as a thinker and public moralist, we shall review them at some length.

At a meeting of the opponents of the government plan,* held in Willis's rooms, May 28, 1839, the Bishop of London moved the following resolution:—

"That it is an object of the highest national importance to provide that instruction in the truths and precepts of Christianity should form an essential part of every system of education intended for the people at large; and that such instruction should be under the superintendence of the clergy, and in conformity with the doctrines of the church of this realm, as the recognized teacher of religion."

A tolerably clear and definite claim to an ecclesiastical monopoly of the religious part of national education. Of the speech

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* The object of this plan was, it will be remembered, to establish a normal school for persons desirous of qualifying as teachers; also, a model school, for children from three to fourteen, in which the proposed modes of education might be learned practically; both schools open to pupils of all persuasions. Among the heads of the plan, as proposed by the Privy Council, were the following:—

"Religious instruction to be considered as general and special.

"Religion to be combined with the whole matter of instruction, and to regulate the entire system of discipline.

"Periods to be set apart for such peculiar doctrinal instruction as may be required for the religious training of the children.

"To appoint a chaplain to conduct the religious education of children whose parents or guardians belong to the established church.

"The parent or natural guardian of any other child to be permitted to secure the attendance of a licensed minister of his own persuasion, at the period appointed for special religious instruction, in order to give such instruction apart.

"To appoint a licensed minister to give such special religious instruction, wherever the number of children in attendance on the model school, belonging to any religious body dissenting from the established church, is such as to appear to this committee to require such special provision."

There was thus no exclusion of religion except the religion of sectarian proselytism.

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by which this resolution was supported, one-half greatly enlarges the clerical claim, so as to make it co-extensive with the whole of education—the other half gently relinquishes it. After showing, as it was sufficiently easy to show, the futility, and inconsequence of any plan for teaching the Bible, without interpreting and explaining it, and making an angry attack on the Central Society of Education,* which seems the special object of his dislike, our bishop proceeds to advocate, on grounds of constitutional right, statute law, and expediency, the placing of the whole education of the country in the hands of the clergy of the established church:—

"I say, then, that the church is the recognized and authorized instrument of education in this country. If others choose not to avail themselves of the advantages which it offers, as such, that is their consideration. * * * But if the church be the recognized instructress of the people—and recognized she is—the clergy, of course, ought to have the general superintendence of the education which the church offers."

After quoting a strong passage in favour of the ecclesiastical claim, from one of Lord Brougham's earlier educational speeches, he goes on thus:—

"Are any other arguments wanted to prove the expediency, at least, if not the duty, of leaving the education of the people at large in the hands of the clergy? As to the right of the clergy to be entrusted, with reference to their claims as ministers of a church established by the laws of this country, that is a subject on which I do

* "Entirely to separate religious instruction from all other kinds of instruction; to make the latter the substance and the basis of education, the one subject of common consent, the one object of common interest, and to thrust the former (religion) into bye places and corners, leaving it to be inculcated by the desultory efforts of separate teachers, not bearing a part in the main process of education; what is this, I would ask, but to deprive religion of her due honours, to degrade her from her just supremacy? What is it but to depreciate the worth and to disparage the excellence of the 'pearl of great price,' and to teach those who are the objects of instruction to regard the best, the most valuable instruction of all, with indifference if not with contempt?"

Yet, stripping this account of the Central Society's plan of its dyslogisms, is it very different, in principle, from the bishop's own suggestion to the legislature, six weeks later (July 5, 1839), when he is "not prepared to say that a plan may not be devised, by which the general object of promoting popular education may be entrusted to some public body, reserving to the church the exclusive direction and control of religious education in her own schools?"

Here we have the two obnoxious elements of the Central Society's plan: the separation of the "general" from the "religious"—the former placed in the hands of a "public body," and made the subject of public arrangement, the latter delegated to special and separate teachers.

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not intend to touch at any length. But as it has lately been asked with an air of considerable triumph, by what *law* are the clergy entitled to arrogate to themselves the right of being the exclusive teachers of the poor, I will say, in the very words which I have now read, that they are the teachers of the people, *in the eye of the law*—the law of the land. Why, it was the principle of the reformation in this country to make the clergy of the church the instructors of the poor! a principle displayed in the charge given to sponsors at the baptismal font; in the charge given to the clergy to catechise all the children of their flock; and to parents, masters, and mistresses, to send their children, servants, and apprentices to be catechised; in the pains taken by our first truly Protestant monarch to found grammar schools for the education of the children of this country. But the clergy are recognized as the teachers of the poor, not only in this way, but by the statute law of the land; for they are recognized as such by the Act of Uniformity; and in strictness no person can legally be a teacher of children who is not expressly authorized to teach by the bishop of the diocese. In stating this fact, do not let any one imagine that I desire to enforce those laws, or to act up to the letter of them; but I merely wish to show, when we assert that the education of the people ought to be confided to the clergy, and that they are the proper persons to be entrusted with the working and the management of the whole moral machinery, that we contemplate no innovation, we advance no unheard-of claim, we attempt no breach of the principles of the constitution."

The disclaimer of all "desire to enforce those laws" reads oddly, after the argument that it is "expedient at least," to leave the education of the people at large in the hands of the clergy, and before the assertion that the education of the people "ought" to be confided to the clergy, and that they are the "proper persons." Let not any one imagine that the Bishop of London desires to enforce that which is expedient, proper, constitutional, legal, essential, of the highest national importance—that which, on every imaginable ground, human and divine, "ought" to be.

He perorates with a piece of eloquence, of the Exeter Hall sort:—

"There are a thousand arguments yet in store, a thousand arrows yet within the quiver, which might be levelled against these vain endeavours, by an attack upon our educational system, to subvert or undermine the foundations of our Zion. But, my lords, beleaguer and assail it as they may, whatever confederacy there may be 'between the Ammonites, and the Ishmaelites, and those of Tyre,' still, if the church be faithful to herself, and assert her own principles with charity and candour, but with firmness, she has nothing whatever to fear. Let us do as Nehemiah and his fellow-labourers did, when surrounded by insidious enemies, who sought to destroy the rising walls of Jerusalem."

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The admission of Dissenting ministers into public schools, at certain hours of the day, to teach religion to Dissenting children —a subversion of the foundations of Zion! The "attack upon our educational system" is a pure licence of the episcopal imagination—a thing no more to be discovered in the minister of the Privy Council, than the church's principles are to be ascertained from the bishop's speeches.

To any one who knows our prelate it will seem superfluous to add that he goes on to speak of "feeling the most heart-felt charity towards all those who differ conscientiously from our communion:" *i. e.*, towards the Ammonites, and the Ishmaelites, and those of Tyre:—

"But when the question is, what religious principles shall be instilled into the minds of the population, I then say *we* have a right to the exclusive education of those who belong to our own church, and by God's blessing we will educate them."

A right which nobody denied, by word or deed; which neither the Ammonities of Dissent, nor the Ishmaelites of the Central Society, nor the Tyrians of the Privy Council, for a moment called in question:—a right expressly and solicitously guarded in the government plan, against which this silly and angry harangue was aimed.

It seems incredible that, within a fortnight after this Willis's Rooms speech of the 28th of May, Dr Blomfield had the hardihood to deny, for himself in particular, and for the clergy in general, that any claim had been put forward on behalf of the church, to the exclusive education of the people. On the 10th of June—a petition having been presented by Lord Brougham in favour of the government plan, and asserting that the clergy of the established church had no right to assume the exclusive education of children—the bishop said:

"The petitioners to whom the noble and learned lord has alluded, suppose the clergy to put forward claims for the exclusive education of the people. That is a claim which is never put forward by the clergy. What the clergy have put forth is this: they claim a right to the exclusive education of the children of the Church of England. This is the right which we claim, and which, by God's blessing, we will never recede from."

Really, this takes away one's breath. This claim, which the bishop says is never put forward by the clergy, was put forward in his own resolution at Willis's Rooms, as "essential," and "of the highest national importance." He had vindicated, on every ground on which it is conceivable that anything whatever can be vindicated—on the ground of religious duty, ecclesiastical right,

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constitutional principle, statute law, and expediency—the "leaving the education of the people at large in the hands of the clergy:" and yet, in one short fortnight, he forgets all about the matter, resolutely ignores his own speech and resolution, his premises, and his conclusion.

On the 5th of July the subject was debated in the House of Lords: when our prelate made a speech, combining, in about equal proportions, the high-church extravagances of the Willis's Rooms oration, with blundering, self-stultifying concessions to expediency. After a handsome profession of "the charity which thinketh no evil"—which virtue he immediately goes on to exemplify in a particular bitter attack on the Central Society of Education*—he passes to the philosophy of the question:—

"The question of the state's interference in the business of education, as far as our own country is concerned, is in a great degree settled and determined. The state has already interfered, legitimately as I think, and effectually, by establishing a national church, a great instrument of education, which ought to conduct the whole procession, as far as religion is concerned. * * * The church, in this country, is the only recognised medium of communicating religious knowledge to the people at large."

Yet, settled and determined as the question is, he immediately proceeds to unsettle it. Having shown that the church ought to conduct the whole process of education, as far as religion is concerned, he goes on to show that it ought not:—

"In asserting this, I do not claim for the church the right of educating any other children than those of her own communion. I do maintain that she is, by the constitution of the country, the established and recognised organ of religious education: and she ought to have sufficient means for the discharge of her functions. If there be many, and many, no doubt, there are, who refuse to accept the education we offer them, let them seek instruction according to their own views and methods. Let them even be assisted by the state, if the necessity should arise: but let it be done in the way of charity to the dissidents from our church, not as a matter of right. At all events, let it not be so done as to make it appear to the people that the government withholds its confidence from the church. * * * Why not continue, at least for some time to come, the system of en-

* "A party hostile to the church, and bent upon its destruction"—"a party not perhaps very numerous, certainly not very respectable, but active, sagacious, persevering in their endeavours, constantly at work about the very foundations of the monarchy and the church, and knowing perfectly well that, through the medium of the church, the monarchy may be most successfully assailed," and "intending to employ popular education as a most effective instrument for that purpose:" all which the good man "speaks advisedly."

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courageament pursued for the last six years, by giving pecuniary assistance towards the erection of schools, through the two great educational societies?* I do not mean to say that the principle involved in that system is free from objection, or that it is altogether consistent with those which I have laid down. But almost all theories, when reduced to practice, must, in some cases, give way to unforeseen necessity, so long as no vital or essential principle is compromised. At all events we have not been disposed, nor are we now disposed, to question the propriety of those pecuniary advances to the two societies alluded to, for the same objects, and under the same restrictions."

But, according to the bishop's own resolution, moved at the Willis's Rooms meeting of the 28th of May, the principle so compromised—of restricting national support to the doctrines of the church, taught under clerical superintendence—is vital and essential, "of the highest national importance." And, on again referring to his speech at that meeting, we find that the British and Foreign School Society's system, of "merely introducing the Bible into their schools as a class-book, at the same time prohibiting everything which might be construed into an interpretation of its doctrines"—to which system, it now seems, pecuniary advantages may be made with propriety, and without the compromise of any vital and essential principle—is stigmatised as neither more nor less than treason against the truth:—

"They talk, indeed, of neutrality in religion. *Neutrality in religion!* To be neutral in religion (on the part of a religious teacher) is *treason* against the truth. I repeat it,—it is treason against the truth. It is a dishonest betrayal of the sacred trust committed to his hands; because experience proves, if reason did not suggest the conclusion, that those who are brought up as children, without a decided attachment to some particular form of religion, will grow up without attachment to any religion at all. I say also, that a religion without a creed, without some recognised and particular creed, is not the religion of common sense. It is not a practical religion; it is not the religion of the Church Catholic, nor of any branch of that church."

Our bishop is altogether in a much more conciliatory mood on the 5th of July than he had been on the 28th of May. As he explicitly approves of a compromise with traitors against the truth, and of the national endowment (to a certain extent) of theological dishonesty and treason,—he even makes some cautious and guarded approaches to that "perhaps not very numerous, certainly not very respectable party," who "depreciate the work

* *I. e.*, the National Society and the British and Foreign School Society.

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and disparage the excellence of the pearl of great price." Such, at least, seems to be the import (if any) of the following pacificatory suggestion, which might easily be amplified into a plan, not widely different from that of the much-abused Central Society:—

"My lords, I am not prepared to say that a plan may not be devised, by which the general object of promoting popular education might be entrusted to some public body, reserving to the church the exclusive direction and control of religious education in her own schools. But this must be done by an act of the legislature, after accurate inquiry and mature deliberation; and for this the time is not yet come."

Yet, almost immediately afterwards, he is prepared to say—in a sentence of which the one-half is a contradiction in terms to the other—that any such plan would be a fatal mistake:—

"I hope, my lords, that I have already guarded myself against the objection that may be made against me, as claiming for the church the superintendence of the secular, as well as the religious parts of education; and against the argument, that the two may very well be separated, and the latter alone left in the hands of the church. I hope I have already shown that the attempt to separate religious education from secular is a fatal mistake. It is the union of the two, in all the sanctity of the one, and all the present usefulness of the other, which must constitute a complete and consistent education—such an education as I readily admit the church is bound to attempt to give to the people—which the government is bound to provide the church with the means of giving."

Now is it not humiliating, that the first and highest of all our national interests should be, in any the slightest degree, at the mercy of a man of this quality of mind; who, on a subject, with every principle and detail of which he is morally and officially bound to have the most precise acquaintance, and with which he so boldly and busily meddles, can scarcely speak two sentences together, without flatly contradicting himself. Of the narrow intolerance, the perverse, ill-natured obstructiveness, manifested in the greater part of the preceding quotations, it seems hardly worth while to speak: this one can understand. But we confess we cannot understand that constitution of mind which allows a man of talent and education to flounder in this way from contradiction to contradiction—asserting, retracting, reasserting, again and again—and all without the slightest sign of an uneasy consciousness of inconsistency. It is plain that the Bishop of London knows nothing, cares nothing, about national education, except as a something which, under proper management, might

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be made ancillary to the interests and ambition of his order.* The only thing in which, on this subject, he has been undeviatingly consistent, is a jealous sectarian sensitiveness†—an obstructive, teasing, vexatious, and frivolous opposition—to anything and everything which, in his view, can be supposed to have a tendency, near or remote, actual or possible, to a relaxation of the ecclesiastical monopoly.

The Bishop of London is usually reckoned a clever, what people call a "talented" man. In some sense he is this: but only in the poorest and lowest sense. He is a busy, bustling, shrewd man of business; has a good head for details—when ecclesiastical passion and prejudice do not absolutely blind him; understands, as well as any man living, how to push a church-building or colonial-bishopric scheme. As a church-extender and reformer, it is impossible to deny him the possession of a very high degree of a certain low kind of ability. As a member of the Poor-law Inquiry Commission, we believe his assiduity and talent are highly appreciated by those best qualified to judge: and the clear, decided, and manly way in which he adopted, and has uniformly sustained, his full share in the responsibility of the most unpopular provisions of the law to which that inquiry was preliminary, is deserving of all praise.‡ Were Dr Blomfield

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* Yet we find "C. J. London" the first signature to the following expression of a seemingly earnest feeling on the subject:—

"We are perfectly aware, that for the general diffusion of right principles and habits we are to look, not so much to any economic arrangements and regulations, as to the influence of a moral and religious education. * * * We believe that if the funds now destined to the purposes of education, many of which are applied in a manner unsuited to the present wants of society, were wisely and economically employed, they would be sufficient to give all the assistance which can be prudently afforded by the state. As the subject is not within our commission, we will not dwell on it further; and we have ventured on these few remarks only for the purpose of recording our conviction, that as soon as a good administration of the poor laws shall have rendered further improvement possible, the most important duty of the legislature is to take measures to promote the religious and moral education of the labouring classes."—'Report of the Poor-law Inquiry Commissioners, 1834.'

† Of this sensitiveness, combined with a most extraordinary talent for making something out of nothing—see a curious specimen in the discussion on 'Public Education,' July 25, 1842.

‡ We are sorry to have to add, that our bishop is as inconsistent and untrustworthy in his economics as in his theology and politics. With his habitual and inveterate self-contradiction, he has now virtually ignored the most essential of the facts and principles on which the Poor-law Amendment Act was founded, and which have been before the world for ten years under the sanction of his name. We allude to the part he took last winter in originating that gigantic Out-Door Relief Society, that wholesale alms-giving establishment, the "Metropolitan Visiting and Relief Association;" an

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not a bishop, he might, no doubt, be a most useful public servant in many departments of official and legislative business. But he is a bishop: and we have a right to look to him for something more than the mere tact and talent of an attorney-at-law. He is, by profession and office (to say nothing of assumed preternatural commission), a thinker, a public moralist, a light of the world, a spiritual guide and governor of men, a curate of souls on the largest scale, *ductor dubitantium* in ordinary to the nation's teachers and legislators. Tested—as we have a right to test him—by the standard of his own professional and official pretensions, Dr Blomfield must be pronounced miserably wanting. From the beginning to the end of so much of his career as now lies before us, in a twenty years' episcopate, we have not once discovered the sign of any of the higher qualities of mind. He seems to us a man of a coarse, mean, unintellectual cast of character. As a logician, we have seen him feeble and self-contradictory, almost to fatuity—as a theologian, we shall find him casuistical, jesuitical, and hair-splitting—as a moral and political philosopher, he is a nondescript, a bundle of anomalies. Without a particle of enthusiasm in his nature, without the capacity of rising to the height of a great and earnest fanaticism, he is at the same time strangely deficient in the humbler and commoner mental qualities of clearness and precision. Shrewd and "talented" as he is, for many purposes, he oftener talks sheer nonsense than any other man of note and standing in public life. He rarely takes up a question of legislative morality without blundering and mystifying it. As we doubt whether this side of our bishop's character is generally understood by the public (the

association identical, in principle and effect, with those wretched soup-and-blanket charities, the mischiefs of which are detailed, with such an abundance and superabundance of evidence, in the publications of the Poor-law Inquiry Commission—tending, like these, to weaken the inducements to self-supporting effort on the part of the poor, to demoralise and pauperise industry, to teach idleness and profligacy how to live by fraudulent mendicity, and, on the whole, to create distress at a much faster rate than it can possibly be relieved.—See this mischievous scheme well exposed, in 'A Letter to the Lord Bishop of London,' by *Presbyter Catholicus* (published by Darling).

It is amazing that the man whose name stands first on the Commission of Poor-law Inquiry should ever be the founder of an alms-giving association. That Dr Blomfield has changed his opinions on the subject of pauperism, mendicity, and public alms-giving, is incredible. We can only understand his conduct in getting up this "Metropolitan Visiting and Relief Association," by adverting to a certain feature of the society, distinct from its ostensible object—*the committee are all members of the Church of England.* It would seem that the bishop sacrifices his poor-law principles and convictions to his sectarianism. Church extension has been too strong for political economy.

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nonsense, being mostly of the solemn sort, easily passes current), we subjoin a specimen or two of his parliamentary logic on ethical questions. Take, for instance, his dissertation on West-Indian negro apprenticeship. Some petitions having been presented (in 1838), praying for total and immediate emancipation, on the ground that the planters had violated their part of that contract of which the apprenticeship system was an item, the bishop delivered himself of the following string of inanities and contradictions:—

"If it could be presumed that the case is really as the petitioners represent, I certainly should have no hesitation in saying that it would be only just, as well as expedient, to put an early termination to the present system of apprenticeship, and that it would be for the advantage of all parties that steps should be taken as soon as possible to procure this end. I am not prepared to say, however, that the planters have violated their engagements. Even if many of them have done so, and a minority have observed good faith, I am not prepared to assent to the proposition that the few should be made to suffer for the conduct of the majority. Yet I am not quite sure that the interests of humanity ought not to prevail against the interests of the people. If the safety of the colonies is to be considered as dependent upon the frame of mind of the population at the end of the apprenticeship system, and if there is any danger likely to result from the exasperated feelings of that population when that termination shall arrive, I think that less danger is likely to arise now than two years hence. With respect to compensation, I am aware that it was agreed to be paid to the planters on the calculation of their retaining six years' services of the negroes, emancipation being deferred. But this country appears now to be fully of opinion that the same sum, if paid for immediate emancipation, would be fully sufficient: and therefore, on pecuniary grounds, the planters would have no reason to complain. I am convinced that immediate emancipation would be beneficial to this country, and to the colonies; but still I doubt whether this country is not bound to adhere to the compact which has been entered into."—'Negro-Apprenticeship System,' March 23, 1838.

We have here, in two consecutive sentences, two contrary extremes of ethical doctrine on the subject of contracts—each of them, by the way, a preposterous absurdity—enunciated with as much easy fluency as though they were a pair of nearly related and mutually illustrative propositions. We have, first, the excessively liberal doctrine—whose laxity would startle Paley—that a definite money contract between two parties is voidable, on the after-thought of one of them that the other has made too good a bargain: and, next, we have the excessively rigid doctrine—whose severity would frighten Seneca—that a law having the

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nature of a contract is unrepealable, though its repeal would be an unmixed public good. Of these two contraries, the perplexed and anxious inquirer after truth may take which he likes best: the bishop, for his part, holds both. And this man is the official head of the metropolitan corps of national moral-philosophy professors!

Our prelate's exposition of the morality and policy of that part of the marriage law of this country which prohibits the marrying a deceased wife's sister, is too rich a specimen of the quality of his mind to be withheld from the reader. The subject is not without its difficulties. If much is to be said against the prohibition, something may perhaps be pleaded in its favour. In any case, however, the question is a practical one, to be decided on the principle of "a balance of convenience and inconvenience." Our bishop, however, finds it easier to be metaphysical than to speak plain earnest sense; and, instead of balancing convenience and inconvenience, treats his hearers to the following mystico-theological rigmarole:—

"My lords, I am ready to admit that the same arguments do not all apply to cases of affinity, which are generally applied to those of consanguinity: and that the case of a deceased wife's sister does not come under the latter description, as the term consanguinity is commonly understood. But there is one argument which has some weight with the clergy, and I think with those who have considered the religious nature of marriage. We hold, upon the authority of God's word, that man and wife are one flesh; and that to a certain extent it may be said—in a sense, metaphorical, indeed, and mysterious, but confirmed by our Lord himself—they do contract a certain kind of consanguinity, which we hold to constitute an objection to such alliances as it is now sought to legalize. This notion of spiritual or mystical consanguinity is not to be supposed to be a fancy of ecclesiastics and religionists. It was held, in some sense, by the Roman jurists and lawgivers, as stated by the historian of the Roman empire; which, at least to a certain extent, will show that the clergy of the Church of England, in maintaining this principle, are not so bigoted, nor so prejudiced, as it has been of late years the fashion to represent. * * * Now, my lords, looking at the relation of marriage as having, to a certain extent, the spiritual character attributed to it by the divine Lawgiver of our church, to that doctrine of the Roman lawgivers I must confess that I am very much disposed to accede. At all events, I think we should pause well before we take another step in the path," &c.—'Law of Marriage,' May 14, 1841.

Was there ever a more incomprehensible mystification of a plain matter? We have here the *dicta* of Roman jurists and lawgivers, and the authority of God's word, jointly producing in

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our bishop's mind a disposition to accede to the doctrine (confirmed by our Lord himself) that there is, to a certain extent, a certain kind of metaphorical and mysterious unity, a mystical and spiritual consanguinity, in a religious sense, between a husband and his wife;—therefore, a man may not marry a deceased wife's sister. It were hard to satirise the clerical intellect more pungently, than to say that "this argument has some weight with the clergy."

We no not know that there is another man in either House of parliament—certainly none prominently before the public—who labours under such a distressing confusion of thought, and incapacity of intelligible speech, as Dr Blomfield seems habitually afflicted with. He can hardly say a plain word about the plainest question of legislative and ecclesiastical ethics. One might have thought, for instance, that a man could not have been a bishop for eight years without being ready, at the shortest notice, with an answer, yes or no, to the question raised, in 1832, by the Whig plan for Irish education—viz., Is it necessary, to the ends of education, that the whole of the Bible, in the Anglican version, should be employed as a school-book? A man who does not sufficiently know what the Bible is, and what education is, to be capable of pronouncing an opinion as to the possibility of giving a good moral and religious education, with the aid of selected extracts from two versions of the Bible, is not fit to be a parish schoolmaster. A simpler question in its principles could not well be. Yet to our bishop's perceptions this so simple and rudimental question was involved in difficulties inexplicable and insuperable; he could not see his way in it at all; he could say nothing about it, except that he could say nothing, and was very sorry to have been asked:—

"I fear that the plan of government involves a principle with which I cannot be satisfied; but I think that the ministry ought to be dealt with more liberally and fairly. The overcharged statements in which some noble lords have indulged are calculated only to do injury to the cause of truth. The most that can be truly said against the government is, that, in striving to attain a good purpose, they have made a great mistake. * * * It may be said that the best way to instruct is by selections from the scriptures. This might be admitted if it did not involve a principle, and if it were not perfectly clear that we are making a concession to the Catholic clergy. As a minister of the Protestant church, I cannot overcome the difficulties which this plan presents. * * * The whole question, however, is involved in such inexplicable difficulties, that I do not clearly see my way. But I consider that the government, in forming a plan under the sanction of the priests, have made a great mistake. Unfortunately, too, that mistake involves an important principle; and

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is, therefore, looked upon with aversion by a large body of Protestants, not only of those whose connexion with Ireland gives them a partial view, but also by those in England who are acted upon by any political considerations."—'Education (Ireland),' Feb. 28, 1832.

The bishop here says (*inter alia*) that he cannot admit a fact because it involves a principle, and would be a concession to the Catholic clergy. Of course he did not mean anything so nonsensical. He only meant to speak a little on both sides of an awkward question, so as not to commit himself on either. In those days the church was weak, and the Whigs were strong.

Six years later, the church is strong, and the Whigs are weak: and we hear no more of "inexplicable difficulties." The principle has become "fundamentally vicious," and the system a thing to be "abhorred:"—

"I am opposed to the present system of national education in Ireland because I conceive it to be based on principles which are fundamentally vicious, and which cannot, therefore, be prevented from future failure. I hold it to be the duty of a Christian government to uphold Christian truth in every system of national education which they may establish; but I deny that this system is consistent with Christian truth, and assert that such a compromise is calculated to retard rather than promote the object which it has in view, viz., conciliation. While I disclaim all censure on the commissioners, or those of the clergy who act with them, I must say that I abhor the system of education which has been adopted in Ireland."—'Education (Ireland),' May 25, 1838.

From the bishop's silence on the subject, since the accession of Sir Robert Peel, we infer that the inexplicable difficulties have returned in their old force.

As a moral casuist, on matters connected with the ethics of his own profession, Dr Blomfield combines, with his usual cloudiness of mental perception, a large share of that peculiar description of ingenuity to which the venerable fathers of the Society of Jesus have given a name. We may say of our prelate—borrowing a curious antithesis of his own*—that, while singularly devoid of "expansion" of intellectual view, he is distinguished by a high degree of that "elasticity" of logic, which can never be held down to the line of an argument, or compressed within the limits of intelligibleness and consistency. One of the best specimens we have ever seen of this logical and ethical elasticity

* See the debate of May 26, 1840, on the 'Liturgy and Articles of the Church.' The Bishop of Norwich having advocated an "expansion" of the "sense and meaning of subscription to the Articles" as a "benefit to scrupulous and tender consciences," his brother of London was very angry:—

"What is the 'expansion' that is required? It is this: that when a clergyman

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is in one of our bishop's sermons,* in which he works very hard to get over that *pons asinorum* of semi-liberal Anglican divines—the damnatory clauses of the Athanasian Creed. The problem is certainly not of the easiest—how to reconcile an *ex-animo* assent and consent to *quicunque vult*, with professions of theological modesty and tolerance. The following solution of it would, we think, not discredit the prudent elasticity of a Suarez or Molina.

The bishop sets out gently, with a few safe theological truisms:—

"The most serious objection to this creed is its apparent uncharitableness, in excluding from salvation those who do not believe what it affirms. Now, with regard to Christian belief in general, we may assert, without fear of contradiction, that whatever God proposes for our belief in his word must be believed; for otherwise, his veracity is impeached, and our faith is imperfect. He has imparted to us a revelation of his will and counsels, and requires our attention to it as the only rule of our faith and practice. Whatsoever he therein requires and enjoins we must do, with a ready and cheerful obedience; and whatsoever he declares, we must believe with humility and meekness. And if it be once ascertained that any doctrine concerning himself is contained and asserted in his word, who will presume to say that the belief of that doctrine is not necessary to salvation?

"If men are accountable to God for their faith, as well as their practice, it is a necessary consequence that a man must believe rightly in order to salvation. This is the general proposition which we may lay down broadly. It is limited and qualified by him who searcheth the heart, and can alone judge of every man's opportunities and means of believing and doing what he requires."

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declares *ex animo*, he shall be understood as declaring only in what sense he pleases. This is 'expansion' with a vengeance; an expansion which does not partake of that prudent elasticity which, though always ready to accommodate itself to the peculiarities of our infirm and imperfect nature, will never stretch beyond the line of truth, nor sacrifice that which is just and true to meet the maudlin scruples of any conscience whatever."

With what exquisite precision of thought and felicity of diction our bishop here hits the boundary line between right and wrong! "Expansion?" Oh no! not for a moment. How shocking! expansion is very bad; expansion stretches beyond the line of truth; expansion is maudlin; expansion is "with a vengeance." We will have no expansion here;—but "elasticity," reverend brethren, that is the true thing. Great are the virtues of elasticity. Elasticity is prudent; elasticity is accommodating; elasticity suits itself to the peculiarities of our infirm and imperfect nature; yet elasticity scouts maudlin scruples, and, with all its stretching, never stretches beyond the line of truth.

How thankful must conscientious, scruple-harassed clergymen be, to have this person for their guide, philosopher, and friend!

* 'Sermons preached in the Parish Church of St Botolph, Bishopsgate.'—Sermon xxi.

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Only it is not limited and qualified in *quicunque vult*, but made as rigid and absolute as a mathematical theorem.

From truism, the elastic bishop goes softly into fiction:—

"The exercise of this prerogative of God's omniscience and goodness is taken for granted through all the formularies of a Protestant church, whose language it is.* This is what we believe to be the true Christian faith, which, if it be so, must be embraced by all who desire to be saved. Nevertheless, we believe it only because we think that we so read in the word of God; for 'that which is not read therein, nor may be proved thereby, is not a necessary article of faith.' * * * This is the language which our church holds in her articles; and I consider it to be evident, that a church which holds such language can never intend to pronounce unqualified sentence of condemnation (or rather, to declare that sentence will be given) upon those who do not implicitly receive those minuter explanations and illustrations of a doctrine which she herself has laid down as fully and particularly as is necessary in her first five Articles."

Unfortunately, whether intending it or not, this is precisely what the church does: "Whosoever will be saved, before all things it is necessary that he hold the Catholic faith; which faith, except every one do keep whole and undefiled, without doubt he shall perish everlastingly; and the Catholic faith is this," &c. &c.

"Nevertheless, it is certain that, whatever the true faith is, it is necessary to salvation, as far as *we* can determine. If this be denied, a Christian's belief becomes a matter of no importance. If, therefore, the Christian faith be rightly set forth in the Athanasian Creed, the church is justified in saying, that the belief of the doctrines therein contained is necessary to salvation; provided that this be said with those implied limitations, with which all such declarations must be fenced and qualified."

But how, if it be said with the express exclusion of all fencing and qualifying limitations?

The preacher now warms with his argument. Having gradually prepared his approaches, with such generalship as we have seen, he advances boldly to the assault, and wins the day by storm of words:—

"We have reason to believe that some wilful errors in belief, as well as wilful defects in practice, may exclude a man from salvation; but we do not presume to limit the goodness of God, nor to pronounce, of any unintentional error, or any sin of infirmity, that it is beyond the reach of his mercy. At the same time, if we know how to estimate the preciousness of that hope which has been solely and exclusively purchased for us by the death of the incarnate Son; if

* If our bishop would only say *where* this is the church's language?

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we value, as they deserve, the sanctifying influences of that holy spirit who proceedeth from the Father and the Son, we cannot hesitate to declare our belief (and we shall do so, not from an uncharitable conceit, but under a sorrowful conviction) that he who 'hath trodden under foot the Son of God, and counted the blood of the covenant wherewith he was sanctified, an unholy thing,' is in great danger of perishing everlastingly. With its condemning clauses, as they are called, thus modestly expounded, the Athanasian Creed was declared, by the scrupulous and pious Baxter, to be the best explication of the doctrine of the Trinity; that is to say, an explanation not of the nature of the Trinity itself, but of the doctrine contained in the holy Scripture."

Our bishop seems, however, not altogether satisfied with his modest exposition, and returns to the question at the end of the volume, in a learned and elaborate note, even more elastic than the sermon itself:—

"I apprehend, that when the eighth article declares that the three creeds may be proved by scripture, it is meant that the doctrines asserted in these creeds may be so proved. Now, the damnatory clauses, as they are called, are certainly no part of the Christian doctrine which it is the express object of the creed to set forth; nor even, strictly speaking, part of the creed itself; but a particular form of asserting that the belief of the doctrine therein set forth is necessary to salvation. If to the Apostles' Creed were to be subjoined some such clause as the following, 'This is the true Catholic faith,' no one would look upon it as a part of the creed, nor consider it to be of a damnatory nature; and yet such an assertion would imply an inference, that the belief of the creed is necessary to salvation. But it is to be remarked that such a clause, as well as the objectionable clauses in the Athanasian Creed, is *declaratory* only, and not *judicial*. It is not said, as it is by the Church of Rome, of all who deny her dogmas and canons, *anathema sit*, let him be cast out, but 'without doubt' (*i. e.*, we learn from scripture that) 'he who will not receive this scripture doctrine will perish everlastingly.' How careful the Church of England is to abstain from all *uncharitable* declarations, appears from the commination service, where the imprecatory formula of the Mosaic denunciations, 'Cursed *be* he,' &c., is changed into the declaratory, 'Cursed *is* he.'

"Further, it must be observed, of the expression in the eighth article, 'Are *thoroughly* to be received,' that the Latin is '*omnino recipienda sunt*'—are *by all means* to be received."

So, we suppose, the creeds in question are *not* to be thoroughly received. The author of that useful publication, Ainsworth's 'Latin and English Dictionary,' gives us, however, a different account of *omnino* from that of this learned prelate. "Wholly, entirely, altogether, utterly," is the second of the meanings assigned by the lexicographer. The bishop proceeds:—

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"Bishop Tomline's objection to these clauses, as being inconsistent with the general mildness and toleration of the Church of England, is in a great measure answered by himself, when he observes, 'that if a man, through obstinacy and prejudice, from a wilful misapplication or neglect of the talents with which he is endowed, finally rejects the fundamental doctrines of the gospel, when they are fairly and fully proposed to him, he has no right to expect salvation.' That in this sense, and in this only, the clauses have been adopted by our church, we ought surely to infer from her conspicuous and acknowledged moderation in all her articles and formularies."

And the preacher informs us that he

— "fully agrees with Dr Hey, a divine than whom few men have been less dogmatical, none more charitable, that 'a mind, not tinctured with superstition, or religious fear, will be able to apply such rational limitations to the general threatenings of our creed, as to judge them harmless in all situations, and useful in many; that their tendency is, when terror does not discompose the judgment to make men prove all things, and not to accept even the doctrines of the creed itself implicitly, lest, in accepting anything erroneous, they should eventually reject the truth.'"

It seems to be for the benefit of those whose minds unhappily are tinctured with superstition and religious fear, and their judgments discomposed by terror, that this most temperate of all theological reformers proceeds to intimate that it may be "a question, but a question upon which he will not now enter," "how far it might be expedient to remove the Athanasian Creed from the Liturgy to the Confession of our church." That is to say, he would reform the church by paging and binding the Prayer Book differently. And he concludes with mystifying the subject still more by half dissenting from, and at the same time strongly recommending, some work of a certain Dr Miller, who has, it seems, found a new way of proving that the Creed of St Athanasius does not mean what it says.

This is "prudent elasticity." For our own part we prefer, of the two, the original text of *quicunque vult* to the episcopal commentary.

The politics of our bishop are perfectly inscrutable. Courted, yet distrusted, by Whigs and Tories alike, and never regularly enlisted in the service of either, he has, at times, enunciated some of the extreme doctrines of each. He entered parliament, we believe, with the repute of a moderate, Whiggish semi-liberalism: yet, from the first hour of his episcopal life, he has always been a bitter No-Popery partisan. We find him, however, twice (in 1825 and 1827) rebuking the small bigotry of some of his brother

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prelates, by supporting a Unitarian Marriage Bill. In 1831 he helped to overthrow the select vestry system; and, the following year, spoke and voted for the Reform Bill—not cordially, yet decidedly. In the poor-law amendment debates we see him a strong political economist of the Whig school. On matters connected with the rights of opinion and the reform of ecclesiastical institutions he has more than once quoted Paley as a high authority. In fact, at one time, Paley seems to have been his *magnus Apollo.* Although, "in his opinion, Dr Paley was mistaken to a certain degree" in his philosophy of expediency, "and should have guarded himself, by a more explicit statement, against those misconceptions and misrepresentations to which his opinion had given rise,"—yet "he was not unwilling to enlist himself as the follower of that great man;" and accepted, rather as a compliment than otherwise, the designation which a Tory peer had conferred on him, of "high-priest in the temple of expediency."* In 1833 he quotes Paley on oaths, and expresses a strong opinion that "promissory oaths" are "not only not necessary, but are, in truth, productive of the worst effects:" but, in 1840, we find him strenuously forgetting his Paley, and contending for the necessity of "tying men down" from "changes and fluctuations of doctrine," by the promissory oath of subscription to the Thirty-nine Articles. The bishop and his Paley are a perfect puzzle to us. Why he ever took up Paley; why he ever laid him down, and when; what it could be that he ever admired in Paley; whether it was the theological tolerance and moderation, or the cheerful kindliness of temper, or the masculine common sense, or the logical clear-headedness, or the good English writing, or the unecclesiastical freedom of opinion, or the low-church politics of the liberal archdeacon, that won the admiration of the high apostolical prelate;—everything about the spiritual relationship once existing between Dr Blomfield and Dr Paley, is a psychological mystery which we profess ourselves quite unable to interpret.

As Bishop of London in the years 1830 and 1838, Dr Blomfield has twice had the honour of preaching at a royal coronation. As it may be presumed that when a bishop preaches at a coronation he does his best; that a discourse delivered, at long notice, on a solemn national festival, before the most august auditory in the world, and printed and published by royal command, is both composed and revised with peculiar care, and, in its finished state, gives us the preacher's best thoughts in his best words,—one naturally looks to our bishop's coronation sermons for that precise and authentic information as to his political philosophy which 'Hansard' obstinately refuses.

* Debate on Church Reform, July 19, 1833.

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Now, it is not a little wonderful that these two coronation sermons broadly contradict one another on the fundamental principles of society and government—so broadly, that nothing but the most irresistible external evidence could justify the belief in their identity of authorship.

The sermon of 1831 begins, somewhat after the manner of Paley, thus:—

"A sense of mutual dependence, and the prospect of common advantage, are the basis upon which human reason has erected the fabric of civil society. The principles which regulate the intercourse of man with man, as members of the same community, are to be found in the constitution of our nature. The form which these principles assume, when embodied in the laws and customs of social life, is varied by the peculiar circumstances under which different nations have constructed their systems of polity. Except in the single instance of the Jewish people, where a special end was to be accomplished by the appointment of special means, the Supreme Ruler of the world has not prescribed to his subjects any particular form of government; but has given the sanction of his approval and the authority of his will to those which are so administered as to answer the great ends of his own providential economy.

"The Christian religion, which was intended for universal acceptance, and which was in due time to make all the kingdoms of this world the kingdom of the Lord and of his Christ, lays down no limitation of the right which all men originally possess to choose their own form of government. But it supposes this to have been already done; and then deals with the relations of civil society only as they are instrumental in promoting the glory of God and the happiness of mankind.

"Whatsoever government is so constituted as not to interfere with those ends, although it be, as to its form and details, an ordinance of man, is, as to its legitimate authority, ordained of God; and that which most directly and effectually promotes the attainment of those ends may, with the greatest justice, assert its claims to obedience and honour, not only for wrath, but for conscience sake."

Here we have the Whig or Utilitarian theory of government—something of Locke and more of Paley. The fabric of civil society erected by human reason upon the basis of mutual dependence and common advantage; forms non-essential and variable; legitimacy a thing of degree, to be tested, *a posteriori*, by results; the original right of all men to choose their own form of government, not limited by the Christian religion; the Jewish theocracy a special and exceptional case, not to be drawn into a precedent;—such is Dr Blomfield's political philosophy in 1831. There is, as might be expected in a sermon, a little mysticism further on, about Deity "giving the kingdoms of the earth to whom he will,"

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"securing the regalia of princes, and giving salvation unto kings" —but we do not notice anything amounting to a retractation of the doctrines of the exordium. And the preacher treats the coronation ceremony, with the anointing, &c., not as conferring a title to political power, but simply as intended "to remind both the monarch and the subject that the relation by which they are mutually bound is in conformity with the will of God, and sanctioned by his word:" it is a "public and devout acknowledgment of that relation," a "formal ratification of that contract between king and people, which is now happily defined with precision by the charter of our constitution."

Seven years later we find a total change in our bishop's politics. From utilitarian, this most versatile prelate has become theocratic. Instead of Archdeacon Paley, we have Archbishop Laud. The case of the Jewish theocracy is no longer exceptional, but normal; the preacher makes a regular precedent of it. The coronation of Queen Victoria is industriously assimilated, in its "purport and intent," to the coronation of King Josiah. The ceremony which, in 1831, was a mere ceremony, a thing "intended to remind"—has now grown into a reality, an "investiture by the hands of God's minister." The people are called upon to "accept their lawful sovereign as given them by God to rule over them." Instead of the rationalism of "human reason erecting the fabric of civil society on the basis of a sense of mutual dependence and a prospect of common advantage," we have the mysticism of the "diadem bespeaking a majesty of a more exalted and transcendent kind than any human agency can confer." The preacher is so eaten up with theocratic zeal, that he forgets the whole of the British constitution—"charter," "contract," and all; blinks the most palpable facts in our social state and polity; and, as if ministerial responsibility and representative legislation were absolute nonentities, quietly tells Englishmen that their only security for just and good government lies in their king or queen being so good as to remember that his or her power is of God:—

"A recollection of this truth is the only security for a right administration of that power, according to the rules of equity and mercy. Those princes, and those only, who remember from whom it is derived, will bear in mind the purposes for which it is given, and will discharge the duties of their high office, as knowing them to be the duties of a sacred trust."

Here, then, we have a man of talent and education, in the full maturity of his intellectual powers, a man claiming, moreover, to be preternaturally commissioned and inspired, a duly ordained and consecrated *episcopus* of social state, a teacher of our teachers, an *ex-officio* professor of moral and political phi-

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losophy to the community in general and the governing classes in particular—contradicting himself point-blank, within the not very long period of seven years, upon questions that go to the very foundations of human right and duty: and this, too, on occasions which both required and allowed the utmost possible accuracy of thought and finish of expression. The contradiction is complete. Two centuries ago, under the Stuarts, the sermon of 1831 would have brought on the preacher a star-chamber prosecution, with fine, imprisonment, and clipping of ears: one century ago, under the first Guelphs, the sermon of 1838 would have been ordered by the House of Commons to be burned by the common hangman.

We must not leave this subject without noticing the enormous licence of imagination in which our prelate indulges himself, when speaking of the powers and *status* of royalty. The glare of the divinity that doth hedge a king blinds the episcopal eye to all terrene realities. The most palpable and notorious facts of our politics are to him simple nonentities when royalty is in the case. Of any such thing as British constitution—whether as a theory, or as a great collective fact—he has absolutely no knowledge. In a country where the sovereign is totally devoid of any initiative in legislation, and has only the shadow of a *veto;* is constitutionally disabled from doing any political act whatever except through responsible advisers, and practically disabled from nominating advisers otherwise than under the *congé d'élire* of a popular assembly; in a country where a fair stock of common sense, a tolerably even temper, decorous domestic moralities, and a certain general well-meaningness are all the virtues which (except once or twice in a century) a king or queen has need of, or scope for exercising;—in such a country this bishop—an educated man, speaking to an educated auditory—gives the following account of the duties and difficulties of sovereigns:—

"With respect to the policy of their government, how difficult and anxious a task is theirs, to decide upon measures which of necessity involve the interests of a whole community! Or, if they place their reliance upon the prudence and sagacity of others, how great must be their solicitude, in making choice of advisers, upon whose principles, as well as their abilities, that reliance may safely be placed! Great need have they to pray, with Solomon, 'Give thy servant an understanding heart, to judge thy people, that I may discern between good and bad; for who is able to judge this thy so great people?' * * * What fortitude and resolution are required, to oppose and reject the counsels of which their consciences do not approve, and to insist from conviction, upon a course of

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policy which those around them condemn!"—'Sermon on the Duty of Prayer and Intercession for our Rulers.'

And the preacher perfectly well knows, all the while, that British kings and queens have, practically, nothing to do with the policy of their government; do not decide upon measures; do not make choice of advisers; do not judge the people; and that, were a British monarch to do so mad a thing as oppose and reject, with fortitude and resolution (whether with or without a conscience), the counsels of the two houses of parliament, and insist, from conviction, upon a course of policy repudiated by those whom a parliamentary majority has placed around him, he would have extremely little chance of remaining a British monarch long.

In his zeal for enforcing the duty of prayer and intercession for our rulers, our prelate stumbles upon a most delicate and awkward topic; which he treats in a way that must have thoroughly frightened the wakeful portion of the congregation of St James's, Westminster. Without apparently meaning any harm, he opens the dangerous question of the morality and Christianity of the monarchical institution; which last (of course only in the abstract) he thus mercilessly assails:—

"But all these disadvantages, and difficulties, and cares, are of little moment, compared with the dangers which surround the wearer of a crown, considered as a servant of God, a steward of his household, a member of Christ's Church, and an inheritor of the kingdom of heaven. How difficult to *them*, above all persons, must it be to realise the precept, 'Love not the world, neither the things that are in the world,' when the world so assiduously spreads all its most seductive temptations before them, and courts their enjoyment of its pleasures! With every wish anticipated, or gratified as soon as expressed, with an unrestricted command of all the resources of luxury and art, living within a fence of ceremony and observance which the voice of truth can hardly penetrate, and even when heard at distant intervals, perhaps may shock by its unwonted and unwelcome sound, how is it possible for *them* not to 'become lovers of pleasure, more than lovers of God?' How can they be brought to learn the peculiar lessons which *must* be learned by all the disciples of that master who said, 'Take my yoke upon you, and learn of me, for I am meek and lowly of heart.'"—*Ibid.*

If the question is a startling one, the answer is still more so. *They cannot*—except by miracle. The bishop sees nothing for it, but to fall back on the resources of omnipotence:—

"Our Saviour's answer to his disciples, when they inquired how *any* rich man could be saved, must be ours: 'With men it is im-

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possible, but not with God, for with God all things are possible.' * * * He can cause the light of pure religion to burn as brightly on the highest worldly eminence, as it is wont to do in the more secluded vale of life, and can endow the mightiest monarch with the graces of the lowliest saint. This is indeed one of the noblest triumphs of his Almighty power, as the sanctifier and enlightener of those whom the eternal Son has redeemed by his precious blood; less splendid, indeed, in degree, but the same in kind, as that which he achieved when the holy Jesus rejected the price which was offered to him for the dereliction of his great design, even 'the kingdoms of this world and the glory of them.'"—*Ibid.*

The bishop here dexterously suggests, but prudently abstains from openly pressing, the obvious application of another text in the record of the transaction alluded to—"Thou shalt not tempt the Lord thy God," by rashly and presumptuously demanding a divine miracle, to avert the natural consequences of human wilfulness and folly.

We doubt whether royalty, as an institution, was ever assailed by a more formidable weapon than this episcopal argument. The bishop makes the altar his *point d'appui* for a vigorous attack on the throne. He exhorts us to pray for kings and queens, because it is, in the nature of things, next to impossible that kings and queens should be in a state of grace. A more daring piece of republicanism (in the abstract) has rarely been spoken. As a philosophical and Christian moralist, the right reverend preacher tests the monarchical institution by its natural operation on the religion and morals of the monarch, and finds it wanting. He tells us that for a king to be a Christian is, humanly speaking, impossible; that the salvation of a sovereign's soul is a sort of miracle, one of the noblest triumphs of Almighty power; leaving the congregation of St James's, Westminster, to pursue the inquiry at their leisure, whether and how far a Christian people are justified, by any considerations of mere political convenience, in thus tampering with the spiritual and eternal interests of a fellow-creature. At all events, the Christian duty is obvious, of so diminishing the seductive temptations, curtailing the perilous luxury and splendour, and clipping the soul-destroying prerogatives, as to bring the salvation of crowned heads somewhere within the bounds of ordinary moral probability.*

We have intimated an analogy which we conceive to exist,

* We wonder, by the way, how Charles James of London would like the curates of his diocese to take up their bishop's spiritual case, and preach sermons on the duty of prayer and intercession for prelates.

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and which has probably been more than once recognised by our readers, between the intellectual and political character of the Bishop of London and that of Sir Robert Peel. The likeness is, at many points, sufficiently obvious. In the talent without genius, the combination of first-rate official aptitude, with essential mediocrity of intellect, the low-toned political morality, the spirit of compromise and expediency, the motley and anomalous mixture of principles and ideas of different dates and conflicting tendencies, the facility of self-contradiction, the general ambiguity of character—Dr Blomfield may be designated, with much more of truth than there usually is in such parallels, *the Peel of the Church;* though it would be unfair to Sir Robert Peel not to add that the prelate exaggerates, out of all proportion, the characteristic faults of the premier. The parallelism is, however, far from complete. On one side of his public character Dr Blomfield presents a decided and a very disagreeable contrast to Sir Robert Peel. We allude to his utter want of that good-natured interest in the pleasures and recreations of the people, to which the minister has more than once given kindly and graceful expression. The bishop does not seem to be a good-natured man. We search the records of his life in vain, for one solitary indication of a just and kind feeling on this subject. It is one with which he has greatly busied himself—but invariably in the way of obstruction, restriction, and prohibition. One of his earliest public acts, in his present see, was a denunciatory pastoral 'Letter on the present Neglect of the Lord's Day, addressed to the Inhabitants of London and Westminster;' in which he "raises the voice of authority, in the cause of God and of his Gospel," against the innocent and healthful Sunday pleasure-takings of the thousands and tens of thousands, to whom pleasure-taking, except on the Sunday, is a physical impossibility—inveighs against the "short stages" which bring Hampstead Heath and Epping Forest within reach of small city shopkeepers, and shopkeepers' wives and children—denounces "steam-packets up the Thames to Richmond, and downwards to Margate and the Nore," with the "gaily-dressed Sabbath-breakers" that crowd them—is very angry with Sunday newspapers, and rather hard on Monday ones—and strongly objects to all Sunday dinner-givings, with an exception in favour of hospitality to clergymen in the intervals of their sacred duties. A few years later (1834), he evinced the intensity of his Sabbatarian zeal, by recording his vote in favour of one of the most tyrannical and preposterously absurd schemes ever submitted to parliament, Lord Wynford's Sabbath Observance Bill; a bill, the effectual and complete execution of which would have been about as mischievous as a

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moderate revolution. Yet our bishop is no fanatic in his Sabbatarianism. The fault does not lie in his theology. There is nothing in his conduct on this question which is not adequately accounted for by a sour temper, and an insatiable love of meddling in other people's affairs. The following piece of ill nature and jesuitry together, on the subject of Sunday railway travelling, shows how little there is in the case, of anything that can be dignified with the name of religious principle:—

"I am far from opposing a recreation of bodily strength, any more than a cessation from intellectual labour, both of which are necessary, and may be accomplished by rest; but I protest against its being held forth as one of the main objects of a government to encourage Sunday excursions. * * * There has been no complaint from the poorer classes of Newcastle or Carlisle, still less from the agricultural population of the county through which the railway passes, of any want of proper means of recreation on the Sabbath. There are these great differences between this and other modes of travelling, that it is at present a novelty, and will always be attended with excitement and rapidity, and the impulse arising from numerous and rapid assemblages on given points. Noble lords ought to pause before rejecting a clause which does not take away any established amusement or recreation of the people, but merely removes a temptation and an obstacle to the performance of their moral and religious duties. As to the case of steam-boats,* rivers are the established high-roads of commerce, and the addition of a steam-boat creates no new temptation; but here is a railway carried into a new part of the country, and offering a fresh temptation to the agricultural classes to neglect their duties."—'Newcastle Railway—Sunday Travelling,' July 11, 1835.

So railway travelling on Sunday is a sin, first, because it is "at present a novelty:" which is like saying that sin may acquire sanctity by possession—that prescription runs against the law of God. It is pleasant to think that the bishop's objection is of such a nature that its removal may be safely left to time: indeed, as the sinners have now some ten years on their side, perhaps we may indulge the hope that the episcopal conscience is already satisfied.† And Sunday railway travelling is sinful,

* A peer had asked, "Was it a greater breach of the Sabbath to ride on the railway than to go down the Tyne in a steam-boat?"

It appears from the reply, that our bishop takes a more indulgent view of the case of the gaily-dressed Sabbath-breakers on the Thames than he had done in 1830.

† We had written the above before the debate of the 2nd of August, on the Railways Bill. It is gratifying to find, from our bishop's speech on the sixth clause, that our anticipations are, to a great extent, realised. He has

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secondly, because it is "rapid:" from which it would seem that the fourth commandment may be safely broken, if we do it slowly; religion allows five miles an hour, but forbids five-and-twenty. And thirdly, because it is "exciting," *i. e.* extremely pleasant: which leaves us to infer that the bishop approves of Sunday pleasures which are only a little pleasant, but not very. In fact, he does, in his 'Letter to the Inhabitants of London and Westminster,' say a kind word in favour of "those quiet recreations which different individuals may think fit to allow themselves." Our bishop is for protecting religion, as the premier protects rent, not on the fixed-duty principle, but by a sliding-scale with shifting pivot.

It is not only as a Sabbatarian, that Dr Blomfield has shown his jealous dislike of popular recreations. As he would legislate for the Sunday on the strict Protestant principle, so he would legislate for Wednesdays and Fridays in Lent on the strict Popish principle—subjecting us to the restraints of both religions, and refusing the indulgences of either. Of certain Lenten amusements in Drury Lane Theatre, he says—

"These performances on Wednesdays and Fridays, during Lent, are not tolerated in Roman Catholic countries; and I hope that Protestantism in this country will not so far relax its severer features, as to allow the feelings of the people to be shocked, and their morality to be undermined, by the exhibition of performances which even Roman Catholic countries would not allow at this sacred season of the year. I regret to say that the Protestant religion of late years has fallen very far short of the strictness of the Roman Catholic in these respects. I hope it will not be permitted to fall still lower."—'Masquerades,' March 5, 1841.

Protestant strictness and severity on Sundays, Catholic strictness and severity on Wednesdays and Fridays—at this rate, the temper of the country would soon be all strictness and severity together. The bishop is a hard master. He would give us, for our national religion, the Church of Laud, *minus* the Book of Sports.

We really know not what amusements, if any, the people of England would have left, if this prelate had his way. We are already the hardest-worked people under the sun: he would make us the dullest and most ascetic. The rough and noisy

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now no wish to prevent railway travelling on Sundays: his Sabbatarianism goes only the very moderate length of objecting to make it compulsory:—

"He had no wish to interfere to prevent railway companies affording facilities to all classes to travel on the Sabbath, if they thought fit, and if they found it worth their while they would do so, no doubt; but what he objected to was that they should be compelled by law to provide those facilities."

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pleasures, the refined and spiritual pleasures—all alike come under the episcopal ban. "I will move, if I stand alone, to introduce a clause to prohibit skittle-playing"—is his menace on a Beer Bill:* yet the expelled from beer shops and skittles are not allowed to take refuge in churches and sacred music. As a peer of parliament, he denounces skittles—as a bishop, he interdicts oratorios in the churches of his diocese. Like a cross policeman, as he is, his great delight is to cry without ceasing, *Move on there.*

Of this morose and surly temper—unredeemed by even the semblance of a principle, good or bad—he gave a signal specimen in his conduct on the Dramatic Performances and Licences Bills of 1833 and 1834. The object of those bills was twofold: to increase the number of metropolitan theatres, and to place them under more stringent police regulation—to extend the use, and restrict the abuse of theatrical amusements. An object, in which an *episcopus* of metropolitan religion and morality was surely bound to take an interest—the same kind of interest as in a church-building scheme. A wise and good bishop of London, with a large and high sense of duty, would have given his best efforts towards perfecting and carrying any measure honestly aimed at such an end. A fanatical bishop of London, with a strong and narrow sense of duty, would have denounced and opposed it at every stage. Or an indolent, good-tempered bishop would have taken the thing easily, and let the laity settle it among themselves, with his best wishes. Our bishop did neither of these, but scolded and sulked. He spoke a little against theatres in general, yet "was not prepared to say that such places of amusement should not exist;" he spoke much against the "outrageous" and "scandalous" evils connected with London theatres in particular, yet would have nothing to do with their correction; he spoke a little against the bill, and a little for it, yet would neither oppose nor support it; he said all manner of harsh and disagreeable things, and then fell back on the dignity of the "sacred office which he had the honour to hold:"—

"I never can allow a bill of this description to be discussed, without making some observations upon the effect which such a measure is likely to have upon the morals of the great city with which I have so important and so solemn a connexion. It is not my intention to take an active part either for, or against, this bill. But I must say that I cannot help objecting against its preamble, which declares that it will tend greatly to the accommodation of the public, and to provide them with innocent and rational amusement. Now I

* August 18, 1831.

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deny that such an enactment will tend to improve the public morals; and therefore it is, that I object to the multiplication of theatres. I should be as reluctant as any man to interfere with the innocent and rational amusements of the people; but my great doubt is whether this measure would not have a very opposite tendency to that of providing innocent or rational amusements. * * * * I am willing to admit that the bill will place the theatres under proper restrictions, but I could have wished that these salutary restraints had been carried still further."

And then, after speaking of the "paramount importance" of regulating theatres—"for, if I am rightly informed, evils of the most outrageous description flow from the present system of managing such establishments"—he adds:—

"Your lordships, I am sure, will excuse my taking any part either in altering or amending this bill, for such a course would be inconsistent with the sacred office which I have the honour to hold. But still I must say, that keeping the theatres open on Saturday nights beyond midnight is a gross and scandalous infringement of the Lord's day. * * * Your lordships will see how necessary it is to adopt some course for checking instead of encouraging so bad a system. I am not prepared to say that such places of amusement should not exist; but I am ready to contend that an increased facility for establishing other theatres should not be given, for I am convinced that such a step would only tend to rend asunder the bonds of society."—'Dramatic Performances Bill,' August 2, 1833.

He did precisely the same, the year following, with the Dramatic Licences Bill.*

Conduct more discreditable than this in a legislator and a Christian minister it were difficult to imagine. The bishop is at once spiteful and lazy: he says all the ill-natured, disagreeable things that a man can say, and then folds his hands in ostentatious indolence. He uses the authority of his "sacred office" to denounce and threaten; and retires, on the dignity of his sacred office, from the labour of amending and reforming. He vehemently assails "outrageous evils"—under *caveat* that he is not going to move his little finger towards their correction. He interferes and obstructs, in the most offensive manner possible—with an anxious disclaimer of any useful purpose. He sees the "morals of the great city with which he has so important and so solemn a connexion" going to wreck and ruin—says so—and lets them. A more unprofitable piece of ill-humour was never vented. We are sorry to add, of characteristic and habitual ill-humour. On this important subject of popular recreations and

* June 27, 1834.

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amusements, we are unable to find that this prelate has ever said or done a thing indicative of any better quality of mind than a morose and despotic temper.

"I have heard," says the Reverend Sydney Smith, "that the Bishop of London employs eight hours per day in the government of his diocese, in which no part of Asia, Africa, or America is included; the world is, I believe, taking one day with another, governed in about a third of that time." That the Canon has been correctly informed, we can readily believe, looking at the the way in which our bishop governs, and the kind of things which he deems worth the trouble of governing. He is a man who makes a great deal of very little things. He rules his clergy in the spirit of a drill-sergeant teaching raw recruits the manual exercise. The minutest externalities of clerical life and deportment are profoundly interesting to him. He has no notion of the wisdom of sometimes letting things alone. Trifles which most men of average compass and elevation of mind would quietly leave to adjust themselves, this bishop considers and discusses, and pronounces deliberate opinions upon, with a solemnity and pains-taking conscientiousness that are perfectly ludicrous. He is zealous for the mint, the anise, and cumin of his church, the rubrics, the canons, the formularies, the articles and particles of ecclesiastical *bon ton*. Thus, the subject of a regulation coat and pantaloons for the clergy is one which has been much on his mind through life. We find it in his first episcopal charge, and in his last. On meeting the Chester clergy for the first time, in 1825, the newly-consecrated prelate "cannot pass by this opportunity of expressing an anxious wish that some regulations could be devised for the *uniform* and *distinctive* dress of the clergy;" he is of opinion, that "Archbishop Secker's arguments on this head are quite unanswerable," and pleases himself with the thought "that the clergy themselves are beginning to feel the importance of this point of discipline." And again, in his charge to the London clergy, in 1842, the anxious wish is repeated, and the arguments of Archbishop Secker are reinforced with the authority of Bishop Stillingfleet. A "decent and comely habit for the clergy" is "an object," our prelate somewhat despondingly tells us, "of the importance of which I have on more than one occasion expressed a strong opinion, but which I fear will not be attained, except by some authoritative regulation, to which the clergy, not of this or that diocese, but in general, shall be required to conform." As far as we recollect, there is only one class of divines mentioned in the New Testament, as holding strong opinions and entertaining anxious

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wishes on the subject of clerical costume; and those are decidedly not the Christian apostles.

This episcopal charge of 1842 is altogether a most remarkable production. As an index to the character of our bishop's mind, it is perhaps the most noteworthy thing he has given us. It is evidently composed with great care; after earnest, profound, and patient deliberation, under an almost overpowering sense of responsibility. It is a most episcopal composition. We have here, not a mere human Dr Blomfield, with all the "peculiarities of an infirm and imperfect nature"—but the successor of the apostles, the vicar of Christ, the ambassador of Deity, the divinely delegated and preternaturally gifted pastor of the pastors of the metropolis of an empire—speaking, in a time of distraction and perplexity, when men's hearts are failing them for fear of heresy and schism, "with the authority belonging to my office, upon the most important of the questions, respecting which the clergy are at this time divided in opinion." The plenipotentiary of heaven very properly eschews argument. He does not propose to "enter into a polemical discussion on the truth of the doctrines, or the propriety of the rites and ceremonies, which will come under consideration:" he can do without discussion, for he has an "humble reliance upon the guidance of the Holy Spirit." His object is at once simple and sublime: "to act as an interpreter of the church's sense as to the one, and of her will as to the other."

Now, after an opening of so much pretension, what have we? In ludicrous contrast with the grave pomposity of the exordium, we are presented (*inter alia*) with a series of elaborate disquisitions on the merest *minutiæ* of ecclesiastical decorum, the veriest trifles that could amuse the leisure of an idle man. We have an essay on clerical wearing-apparel, with especial reference to the conflicting claims of gown and surplice to the honours of the sermon; a dissertation on the proper point, or points, of the compass—east, west, or south—for a clergyman to read and pray to; a theory on reading-desks; and cursory remarks on candles.

It is curiously characteristic of our bishop, that, on every one of these things, as on the graver questions treated in his charge, we have a compromise. The gown-and-surplice question is compromised, after a luminous view of the evidence and authorities on each side—surplice in the morning, gown in the evening. At least, this arrangement "would, perhaps, be most consonant with the intention of the church:" but the bishop does not dogmatise on the matter—the question is difficult—good men must and will differ on points not essential to salvation—and so, "upon

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the whole," he is "hardly prepared to give any positive direction on this point for this particular diocese, although it is certainly desirable that uniformity of practice should prevail in the church at large." The geographico-astronomical question was more embarrassing, there being three claimants, east, west, and south—and only two prizes to distribute, prayers and lessons. We confess we think the bishop less happy here than on the gown-and-surplice controversy. His treatment of *east* is positively shabby; for, in open disregard of Tertullian, Clement of Alexandria, and Bishop Sparrow, he leaves this most ancient and venerable of the competitors totally unprovided for, and divides the subject of contention between the modern upstarts, south and west. Tertullian, Clement, and Bishop Sparrow may say what they please: he, Charles James, is clear for giving reading-desks a south-westerly aspect, "by which the clergyman looks towards the south while reading prayers, and towards the west while reading the lessons." The altar-candles question is soon settled. Have your candles, by all means; but never light them, except when it is dark;—"some doubt may be entertained as to the law in this particular;" but "I see no objection to them, provided that the candles are not burning, except when the church is lighted up for evening service." Lest, however, the Puseyites should unduly boast themselves of their triumph and candles, the bishop immediately hits them hard on another point. Though liberal and indulgent on candles, he is inexorable on flowers. He "strongly disapproves of the practice, which, as he has been informed, has been adopted by a few of the clergy, of decorating the communion table with flowers;" it is "worse than frivolous," and, in some of its aspects, even "approaches very nearly to the honours paid by the Church of Rome to deified sinners."

Nothing can be more admirable than the tact with which, all through this charge, the bishop trims the balance between the Puseyite interest and the evangelical interest. The see-saw is kept up to a nicety. Puseyism is very properly condemned in the abstract; yet Puseyites are "learned and pious men," to whom "we are much indebted." He disapproves, in general, of "unauthorized additions to the church's ritual;" but "sees no very serious objection" to some of the most startling of the particular additions proposed, such as the revival of the "ancient custom of the primitive church" of "doing obeisance on entering and leaving churches and chancels." Evangelicalism listens with delight to the emphatic assurance, so worthy of a Protestant prelate, that the "absolute completeness of the Holy Scriptures, as the source and proof of our faith," he holds to be "a vital doctrine of our reformed church:" yet Oxford Anglicanism is comforted on hearing that, "in searching those inspired records," we are "to

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take the creeds received by the church for our guides," and the clergy for our "interpreters." Puseyites can bear much at the hands of a prelate who teaches that "in this country the clergy of the national church, and they alone, are entitled to the respect and obedience of the people, as their lawful guides and governors in spiritual things; that they alone are duly commissioned to preach the word of God, and to minister his holy sacraments." He tells them, it is true, that he does not like to see men "ashamed of the name of Protestant:"—but he seems more than half ashamed of it himself. The only sort of Protestantism which he recommends is "a sincere and immovable attachment to the Catholic Church;" and the word "Protestant" does not occur a second time in the whole charge. All things taken together, it must be allowed that this new ecclesiastical tariff, this improved sliding-scale of doctrine and discipline, is constructed with infinite ingenuity. It is mortifying to think that, like its great commercial prototype of the same year, it turned out a failure; unsettled everything and settled nothing; pleased neither of the "interests" whose rival claims it was designed to conciliate; and threw half the diocese into an ague of Protestant fear and trembling.*

On the whole review of this prelate's life—ecclesiastical and parliamentary—he gives us the impression of being a man of a small mind; of feeble powers of thought, contracted sympathies, mean aims, and a most slippery public morality. He has "talent," without a doubt:—talent to become Bishop of London; talent to get new churches built, colonial bishoprics endowed, and cathedral sinecures cut up into benefices for episcopal patronage; talent which, if guided by an unselfish purpose, and directed to objects of real and enduring public utility—as in the business of the poor-law inquiry and amendment—might have rendered society much valuable service. But of any of the higher mental qualities we see not a trace at any point of his life. On looking over the productions of his mind, so far as we have been able to trace them—in two or three volumes of Sermons, upwards of a score of single Discourses, Charges, and Letters, together with twenty years of 'Hansard's Debates'—we have found not one high and generous moral sentiment, not one vigorous and striking expression of moral truth, new or old; not one original thought on human nature and human life; not one of the things by which a man is known and remembered as a Light of the World. On

* On reading this episcopal charge of 1842, one is reminded of a learned German's criticism on Dr Blomfield's 'Eschylus:'—"We find a great arbitrariness of proceeding, and much boldness of innovation, guided by no sure principle."—GOTTFRIED HERMANN (quoted in the Rev. Sydney Smith's Third Letter to Archdeacon Singleton).

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no one principle in the philosophy of human rights and duties has this curator of our souls' health ever cast, that we know, one solitary ray of light. Of his apostolical succession we can say nothing: but we are clear that he has not apostolical inspiration. To the higher intellectual and moral experiences of his profession he appears an absolute stranger. We frankly own ourselves unable to meet the argument from Tertullian, and cannot at all see our way through Archbishop Bramhall: but we are quite sure Providence never intended that this person should rule the beliefs and moralities of two millions of human beings.

P.

ART. VIII.—1. *Report from the Secret Committee of the House of Lords, upon the Detaining and Opening of Letters at the General Post office.*

2. *Report from the Committee of Secrecy of the House of Commons on the same subject.*

THERE are some duties which it costs a painful effort to discharge, and we candidly confess that our present task is one we would willingly have avoided. We feel it incumbent upon us to denounce, in the strongest language we can command, a principle of administration which, if carried out, would be found subversive of all the moral obligations of society; and yet a principle now openly advocated, not merely by political opponents, but in some instances by men with whom we have been accustomed to act, and a class of politicians standing well in the world's regard for public character and private worth.

We have long considered the state of our academical and university education to be the cause of half the errors committed in legislation; but of all the evils to be traced to this fruitful source, none are greater than the moral canker they occasion. The ethics of Archdeacon Paley and Professor Sewel,—political expediency on the one hand, and blind submission to authority on the other,—the transformations of Ovid and the history of the Punic Wars, leave no place for the decalogue, or any sound interpretation of its meaning; and the result in after life, when our high-born university graduates appear at the council board, is, as the world has seen with astonishment, a formal recognition of PETTY LARCENY as a fundamental maxim of state policy.

Enough, it might be supposed, has been said of the secret detention and opening of letters to exhaust the subject; but the

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question has been too much treated in reference solely to party objects, and involves far higher considerations.

Let us begin by acknowledging that the case attempted to be made out against the present Government, as guilty of something worse in the shape of Post-office espionage than their predecessors, has not hitherto been sustained. We would go farther, and say that the conduct of the Whig leaders in not interposing between their own party and Sir James Graham, but, on the contrary, all but leading on the attack, knowing, as they did, at the time, their own share in similar transactions, was ungenerous and indefensible. The moment the Marquis of Normanby stated in the House of Lords that he had opened letters while in office in Ireland, it became evident to all impartial reasoning men that the two parties (unless as regards the use made of the information obtained) were upon an equal footing. It was idle to attempt a wiredrawn distinction between the propriety of opening the letters of Irishmen and the letters of foreigners. The interests of England abroad are identical with the interests of England at home. A quarrel with Austria about her Italian possessions is, at least, as serious an evil to be deprecated and prevented, if possible, as any outrage upon property, originating in a conspiracy of Ribbonmen.

We have given, in the last number of the 'Westminster Review,' a frank opinion of the character of Sir James Graham. The sketch has not been considered so flattering that we are likely to be accused of any desire to screen from public observation a single failing of the present Home Secretary; but we would not exaggerate his defects. He has not risen in our estimation by the recent exposures; but honestly let us state they make him appear no worse in our eyes for bringing down the dignity of British administration to the commission of felony and acts of dirty meanness, than other politicians of the same school, and of much higher reputation. We read with surprise, amounting almost to incredulity, in the Report of the Committee of the House of Commons, the following list of Cabinet Ministers who, within the last forty years, have stooped to the tricks (to some of them at least) of a Fouché administration.

1806-7.	Earl Spencer.
1807.	The Right Hon. C. W. W. Wynn.
1809-12.	The Right Hon. R. Ryder.
1812-21.	Lord Viscount Sidmouth.
1822-30.	The Right Hon. Sir R. Peel.
1822-3.	The Right Hon. G. Canning.
1823.	Earl Bathurst.
1827.	Lord Viscount Goderich.
——	The Right Hon. W. Sturges Bourne.

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1827	The Marquis of Lansdowne.
1830-4.	Lord Viscount Melbourne.
1833-40.	Lord Palmerston.
1834.	Lord Viscount Duncannon.
——	The Duke of Wellington.
1834-5.	The Right Hon. H. Goulburn.
1835-9.	Lord John Russell.
1838.	Lord Glenelg.
1839-41.	The Marquis of Normanby.
1841-4.	The Right Hon. Sir James Graham.
1844.	The Earl of Aberdeen.

To this list of *statesmen* of the 19th century (but the name seems to carry irony in its application) we should add the names of all the Lord-Lieutenants of Ireland, not included in the above, by whom the same power has been exercised; as, for example, the Marquis of Anglesea, the Marquis of Wellesley, the Earl of Mulgrave, Lord Morpeth, Lord Viscount Ebrington, Earl de Grey, and Sir Edward Sugden.

The facts discovered in this extraordinary revelation admit of but one explanation. The only apology for them must be sought in the tendency of the mind, especially when trained as we have described, to confound principle with precedent, moral law with legal custom. We doubt whether there has been any Secretary of State, or Lord-Lieutenant of Ireland, who, if he had not found on coming into office the custom of prying into letters sanctioned by long usage as part of the ordinary routine of office business, but, instead, had been asked for the first time to violate the sanctity of a seal, would not have exclaimed in effect, and perhaps in the words of Haman, "Is thy servant a dog, that he should do this thing?"

But behold a custom which may be traced back, as we are told, for 300 years; and, worse and worse, behold a committee of the House of Commons pleading the authority of this high antiquity against precept; a committee composed of men, not inadvertently betrayed into error, but deliberately weighing the merits of truth and the advantages of expediency, and coming to the conclusion that expediency in affairs of state is *better* than truth, and that what is morally wrong may yet be politically right.

There have been two committees and two reports, as our readers are aware, upon this subject, both open to severe animadversion; but we differ with our contemporaries in the opinion that censure is less merited in the case of the report from the committee of the House of Commons than in that of the House of Lords. We have arrived at quite the contrary conclusion. In both reports there is an obvious disposition to palliate the

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faults of political friends, but the report of the committee of the House of Commons is an elaborate defence of a sophism which, at different epochs of human history, has been used to justify every enormity under heaven.

The committee, after explaining the existing practice, and stating various reasons affecting it, *pro* and *con*, as if they understood all the bearings of a question, which it is plain they have utterly misconceived, tell the world they can find nothing in the practice to condemn. Not a whisper of disapprobation escapes the committee upon the exercise of the power complained of in any one instance; but—and let us avoid misrepresentation—they are too cautious to commit themselves to an approval of the principle in plain terms;—they even venture to express a doubt whether, in certain cases, the opening of letters and sealing them up again is not attended with more trouble than profit. Their reasoning is wholly utilitarian;—after the practical philosophy, not of Locke, but of Sheppard. One can imagine Jonathan Wild with an opportunity presenting itself of betraying a confederate into the hands of justice, when nothing could be got by it, and debating the matter in his own mind in the very language of the committee:

"It will be doubted by some, taking into account the strong moral feeling which exists against the practice, with its accompaniments of mystery and concealment, whether the power is worth retaining in this class of cases."

The moral feeling, of course, stands for nothing in every other class of cases, in which some real or imaginary benefit is to be attained by a departure from principle; and the committee therefore conclude their report with "a more yes than no" recommendation, that the Secretary of State should continue to hold the power of perpetrating a breach of trust, and that the proper occasions for doing so should be entirely left to his discretion.

"Under these circumstances, it will be for parliament to consider whether they will determine upon any legislative regulation, or whether they will prefer leaving the power on its present footing, in point of law, in the hands of the Secretary of State, to be used, on his responsibility, in those cases of emergency in which, according to the best of his judgment its exercise would be sanctioned by an enlightened public opinion, and would appear to be strongly called for by important public interests."*

We never remember to have read a document of any kind

* The report is dated Aug. 5, 1844. The following were the members of the committee:—Viscount Sandon, Mr Wilson Patten, Mr Thomas Baring, Sir William Heathcote, Sir Charles Lemon, Mr Warburton, Mr Strutt, O'Connor Don, and Mr Ord.

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which excited in us stronger feelings of dissatisfaction, a more irrepressible impulse of indignation, than the conclusion of this report. A great opportunity was given for vindicating the national honour against the dangerous fallacy of the maxim which all governments are too prone to adopt, that the end justifies the means, and the committee actually turn round upon the public, defend the maxim as a safe one, and only qualify it by observing, that when objectionable means are resorted to, it should only be in "cases of emergency" affecting "important public interests." Of course not; and where has there been a tyrant, however infamous in the annals of oppression, who has not had his "cases of emergency" affecting "important public interests" to plead for every outrage upon public liberty?

Many of our readers have heard, or read, that "it is forbidden to do evil that good may come;" that "law makers should not be law breakers;" that "justice, if it be driven from the earth, should find a refuge in the breast of kings;" but none of these old and familiar axioms seem to have had the slightest weight with the committee. On the contrary, they almost candidly avow a conviction that it is quite becoming and right that the government of kings should be carried on by those dishonest arts and stratagems which, if practised between private gentlemen, or between a common clerk and his employers, would be punished with a horsepond or the treadmill. *Fraud, forgery, felony,* say the committee (not indeed in direct terms, but in words which imply no other meaning) may all be practised in "cases of emergency" for the public good.

We hold the doctrine to be deserving of universal execration; and it is high time to expose it. From the recklessness of assertion exhibited by party leaders, and sometimes flagrant breaches of faith, as in the case of the New Zealand Company, the window duties,* and other questions, an opinion is beginning to prevail, that truth with politicians is but a plaything. A fearful lesson; for there are other classes than lawyers who follow precedents. Our criminal returns show the contagious influences of example: there is a fashion even in murder and suicide: the lad who first threw himself from the Monument had at once a crowd of imitators, and it

* We allude to the clause in the 4 & 5 William IV, ch. 54, moved by Lord Althorpe, July 30, 1834, to enable the occupiers of houses to open fresh windows, free of duty, one effect of which, he stated, would be "to prevent any further increase of the revenue, in the case of houses already existing." (See 'Mirror of Parliament,' page 3116.) The clause has been set aside by a quibble, and subsequent administrations have refused to carry out the spirit and intention of the act.

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would be vain now to expect that the opening of letters, and counterfeiting of seals, will be confined to Secretaries of State, and their knavish tools.

The vices of the rulers of a people inevitably become national vices. The position occupied by a minister is more exposed to observation than that of any other human being. Every action is watched, every word is chronicled; his opinions are seeds scattered by the four winds of heaven, sure at last to fall upon a fit soil for their nourishment and growth.

We are told by divines (and the subject demands the strongest illustration we can find) that in the government of the world, so important is the principle that the fountain of justice should itself be pure, that even the Creator of the universe, the Omnipotent and All-beneficent, *could not* forgive sin until the claims of justice had first been satisfied through the atoning sacrafice of Christ. It is part of the creed of the Church of England, that for God to forgive sin without an expiation of the offence, would be for God himself to sin against his own immutable law. We will not discuss a theological question, but we would contrast this doctrine with the political latitudinarianism which recognizes no fixed principles of conduct. Shall not the Judge of the whole earth do right? There is a sublime truth in the sentiment. How different from that rule of government which confounds all distinctions between virtue and vice as mere conventionalities, and substitutes for them, at the discretion of a minister, the shifting expedients of the hour,—a sliding scale of morality, subject to no check but the "responsibilities of office," and the fear of opinion.

We would put no unfair or strained interpretation upon any of the expressions in the report. We are fully aware that those who prepared it, and those who signed it, so bewildered themselves by their own sophistries, that they did not, in fact, well know what they were about; but we feel not the less the necessity of stripping the principle advocated of all disguise, and we would present it to the reader in its naked hideousness.

——— "A monster of such frightful mien,
That to be hated, needs but to be seen."

Here, then, is the moral creed of English statesmen in the 19th century; or, more correctly speaking, a portion of that craft of government which sets itself above all laws, human and divine.

1. THEFT is permissible, when information important to the public interest can only be obtained by STEALING it from a letter.

2. LYING is permissible to conceal theft; in the tacit form

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of resealing a letter, so that the fact of its having been opened may never be detected.

3. FORGERY is permissible for the same object; in the form of counterfeiting seals and imitating Post-office stamps.

4. TREACHERY is permissible in "cases of emergency." The servant may betray his master for the "public good;" the confidential agent may act as a secret spy. The bearer of a written communication, compromising, perhaps, the lives and fortunes of individuals, may carry it direct to their bitterest enemies, and be honourably commended for his breach of trust.

5. ROGUE-MAKING is also permissible; for the arts of knavery are somewhat distasteful to honest men, and forgery, in particular, is a SKILLED profession, which cannot be thoroughly acquired without many opportunities of practice.

6. TYRANNOUS INJUSTICE is permissible; in the form of secret accusations, and secret tribunals for trying a man in the dark, upon the evidence of STOLEN documents, of which the purport may be wholly misunderstood.

In using the word PERMISSIBLE, we have put the case less forcibly than we should have done, to place it upon its true merits. The business of a public office, like that of the Secretary of State, does not consist in the exercise of optional privileges. Sir James Graham, or Lord Aberdeen, when they opened Mazzini's letters, did so, not, of course, from motives of idle curiosity, but from a sentiment of duty. Observe, then, where our moral legislators are leading us. It is the DUTY, say they, of a minister, in certain "cases of emergency," affecting "important public interests," TO STEAL, TO LIE, TO COMMIT FORGERY, TREACHERY, and TYRANNOUS INJUSTICE; and to keep in constant training a staff of knaves fit for similar acts of public service, when not convenient to perform them personally.

The proposition leads us a step further. In all sound reasoning, the minor is of course included in the major. If it be a duty to ward off a small calamity by dishonest stratagems, it is equally a duty, and even a more serious obligation, to employ them to ward off a greater calamity. Now, compare the possible consequences to Great Britain of any plot emanating from a few poor Italian exiles, and those which may arise at any moment from the ambition of France or Russia. When we are about to steal information, whose secrets is it of most importance to steal,—those of M. Mazzini, or those of the Count de St Aulaire, and of Baron de Brunow? Here, for example, has been the Emperor of Russia on a visit; and now, on his departure, comes his Prime Minister, Count Nesselrode, to take the benefit of sea-

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bathing at Brighton. These movements, doubtless, mean something, and something more than Russia cares to reveal fully. We take it, therefore, for granted, that Lord Aberdeen has not neglected his DUTY in this case. His lordship has, of course, put in operation the picklock and dark-lantern principle, and by means of accomplished *artistes* has already, we may presume, obtained extracts from papers lying in the escritoire of the Russian count! The Brighton postmen, of course, need no instruction upon their duty, in the case of any and every letter to or from Count Nesselrode entrusted to their delivery.

Here we must express our surprise that, in one part of the report before us, the committee of the House of Commons deny the fact of any peeping or prying into the letters of foreign ambassadors. What is this, but in other words to charge upon the present Government a neglect of the public interest, in taking no steps to steal important state secrets from the ministers of other countries; confining their activity to a discovery of the affairs of private individuals, comparatively insignificant? There is, however, reason to believe that this charge is made without sufficient foundation; and we must call attention to a most important revelation in the report of the Lords' committee, of which all mention has been suppressed in the report of the committee of the House of Commons:—

"It appears to have been for a long period of time, and under many successive administrations, an established practice, that the foreign correspondence of foreign ministers, passing through the General Post office, should be sent to a department of the Foreign office before the forwarding of such correspondence according to its address. The Postmaster-General, having had his attention called to the fact that there was no sufficient authority for this practice, has since June discontinued it altogether."

The Commons' committee admit that, during the administration of Charles James Fox, and the Marquis of Carmarthen, at the close of the last century, diplomatic correspondence of foreign ministers passing through the post was very generally inspected, but they add, "they are satisfied no such warrants or practices now exist." Do they mean by the word *now*, since last June; that is, since Mr Duncombe presented the petition of Mazzini and others on the subject? If so, they have availed themselves of a most unworthy quibble. Or does the remark refer to a period of some ten or twenty years back? In this case the committee have shown themselves unable to apply the commonest rules of evidence. If letters from abroad were habitually opened at the Foreign office in 1782, as the committee admit; if the same clerks, or their successors, have had from that period

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to the present the same class of letters, day by day, laid upon their desks, with a power of inspection, as the Lords' committee tell us, we take upon ourselves boldly to assert that foreign letters have been habitually opened up to June, 1844; opened, not, perhaps, by Ministers, or with their cognizance, but opened, at all events, by other persons than the parties to whom the letters were addressed.

And let any one consider the enormous temptation of an opportunity thus given, put in the way of a Government *employé* having connexions in the City. In a critical state of the funds, a knowledge of the contents of a letter coming from a Rothschild abroad to a Rothschild in London, relative to purchases of stock, might realize a fortune. Is it possible to believe that a clerk early trained in the mysteries of softening wax, and counterfeiting seals, having such a letter put into his hands, and knowing its value, would wait for the instruction of his superiors before he opened it?

This brings us to another extraordinary statement, in the report of the Commons' committee, showing their entire unfitness for the investigation in which they were engaged, or their unconsciousness of its serious character. They say—

"It does not appear to your committee necessary to follow the warrant from the time of its reception at the Post office, to that of its execution."

Not necessary? Why this was to halt at the very threshold of their inquiry. The extent to which the practice of opening letters has been carried, depends, not upon the number of warrants issued, but the *modus operandi* of their execution. The public want to know what securities were taken that the ingenious men employed to counterfeit seals should never transact a little private business on their own account—whether warrants have not in practice been regarded as mere forms (the public knowing nothing of their existence), and so sometimes filled up before, sometimes after, the occasion for their use, and sometimes omitted altogether; as commonly happens in the case of all other matters of mere office routine?

The committee tell us, that upon an average the letters of one person per month, or twelve persons per year, are opened and resealed at the Post office. Of how many more is that the true indication? We have heard it said, and not lightly, but by well-informed persons, that within the memory of many now living, the contents of any letter passing through the Post office might be obtained for a consideration, by a person interested in the matter, and making a judicious application to the proper parties. We can readily believe it, for in

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complete contradiction to the present report, Colonel Maberly, in his examination a few months back before the Post-office committee, has described this department of Government as thoroughly demoralized. He says, "there has been enormous plunder and robbery" (1163); nay, that "the plunder is terrific" (1176), and that "a letter posted with money in it might as well be thrown down in the street as put into the Post office" (1178). These are strong expressions from a Secretary of the Post office, and it is quite clear that Colonel Maberly never thought of their possible application to the Home Secretary, when he made use of them. The subordinates of the Post office thus harshly described have done nothing more than imitate the conduct of their chiefs. The plundering of letters by the state from motives of expediency was a state secret to the public, but not to Post-office officials. When Lord Aberdeen determined to steal the contents of Mazzini's letters, he was necessarily obliged to make all the sorters and receivers of St Martin's-le-Grand a party to the theft.

Let this fact be well weighed by the public. Letters directed to Mazzini did not present themselves of their own accord in Downing street. They had to be searched for by human hands, and carefully selected from a pile of perhaps many thousands, and then to be sent about by different messengers from one office to another. Or, supposing the fact to have been that the Devonshire-street bag was sent to the inner office and searched by Colonel Maberly himself, the notoriety of the object for which the bag was required would still be the same. "Why," it would of course be asked, "does Colonel Maberly always require, every day and every month for four months in succession, to count the letters contained in the Devonshire-street bag?" The general fact of the detention and opening of letters must therefore have been known to some hundreds of persons, including common letter-carriers; and what wonder is it that poor and ignorant men should convert public expediency into private expediency, and keep their own counsel when abstracting a bank note, as safely as they had been taught to do the political felonies of their employers. Twelve months ago the newspapers were filled with the case of a Government clerk, who forged exchequer bills to the amount of several hundred thousand pounds. It is not at all an unlikely fact that the initiative step in his career of fraud was the instruction he possibly received in the art of counterfeiting seals for state purposes. Think of forgery in this form being systematically taught in a Government department, and of the probabilities of its stopping there; an apt pupil never becoming too expert for his own teacher!

A light now breaks in upon us to explain the *animus* of the

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otherwise unaccountable hostility of the Post office to Rowland Hill and his plans. Colonel Maberly describes his establishment as a den of thieves; and who can blame the instinct which teaches knaves to beware of an honest man? Put Rowland Hill in the Post office! Send to Norfolk Island for a candidate. The Exchequer-bill office should supply the next Postmaster-General! We now see why Rowland Hill was not to be trusted by either the present Government or the past. There were state mysteries connected with the Post office which Rowland Hill had not unravelled, and it certainly would have been imprudent to have confided them to him.

We proceed to a part of the report, the spirit of which appears to us so utterly incompatible, not only with the duty which the committee owed the public, but with every just and manly sentiment; indeed, so opposed to the constitutional English maxim, that no man should be condemned unheard, that we find it difficult to preserve sufficient calmness to put the facts fairly before the reader, and yet find fit terms to characterise appropriately the conduct of the committee, without appearing to assume an exaggerated tone of severity. We refer to the paragraph in which reference is made to Mazzini and his brother exiles; but chiefly to the following passages:—

"A warrant to open and detain all letters addressed to Mr Worcell and to Mr Stolzmann was issued on the 17th of April, 1844, and cancelled on the 29th of June.

"A warrant to open and detain all letters addressed to Mr Grodecki, at Paris, and to another foreign gentleman, was issued on the 3rd of June, 1844, and cancelled on the 13th of the same month.

"The last two warrants rested on grounds connected with the personal safety of a foreign sovereign, entrusted to the protection of England. It appears to your committee that, under circumstances so peculiar, even a slight suspicion of danger would justify a minister in taking extraordinary measures of precaution."

We have here an accusation of one of the blackest crimes that can be laid to human charge; and preferred against individuals who, for anything that appears to the contrary, may be as honourable men as move in society. The committee tell the public that there were grounds of suspicion, slight perhaps, but still sufficient, to *justify* the British Government (justify is the word used) in treating Messrs Worcell, Stolzmann, Grodecki, and their friends, as engaged in a plot for the assassination of the Emperor of Russia—there is no other meaning in the words; let the reader examine them carefully. Now, will it be believed, does it not seem incredible, as repugnant to every feeling that could be supposed to influence a body of English gentlemen, that of the men thus held up to infamy,

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whose civil rights had been violated in their correspondence, *not one was called before the committee to be examined?* The committee declined to go into any examination of the grounds upon which the warrants had been issued; and they had, therefore, absolutely *no authority whatever*, beyond a foul insinuation, either for the gross act of defamation of which they have been guilty, or for their zealous justification of Lord Aberdeen, on the score of a necessity for extraordinary precautions.* No such necessity was proved; and, indeed, from the very next passage in the report, it is evident the necessity did not exist:—

"The committee have not learned that there appeared in the letters that were opened anything to criminate the gentlemen whom the committee have very reluctantly named."

This reluctance we do not understand. The parties named had brought themselves before the public; they had petitioned for redress of a grievous injury; and the committee meet the case by adding wrong to wrong. The committee refused to hear the allegations of the petitioners, or to call a single witness to character; but they do not the less hesitate to pronounce the following unjust and *ex parte* judgment:—"Gentlemen, *we have not learned* that anything has been found to criminate you, but we are satisfied, notwithstanding, that the Foreign Secretary was quite justified in treating you as criminals, and guarding against your possible designs upon the life of the Emperor."

The appointment of a *secret* committee showed a foregone conclusion; and the members named upon it have well answered the expectations of the minister who appointed them. A sifting investigation was not wanted. Sir James Graham was only anxious to show that he was no worse than the leaders of the Opposition; and that done, the matter was to be hushed up, and the petitioners might be unceremoniously dismissed.

The refusal of the committee to allow Mr Duncombe to be present to examine his own witnesses we at first treated as a mere crotchet; we now view it as a most serious fault. The committee did not desire to examine witnesses against the Government practice, nor witnesses in behalf of the petitioners, or they could have found them without the aid of Mr Duncombe. What will the

* Mr Stolzman is a captain of artillery, who has lived in England since 1836; Count Worcell is a member of the Diet; both able men, and men of unspotted character. Their real offence was attending a public meeting in favour of the Poles at the Hall of the National Association on the 16th of April. The warrant for opening their letters was issued on the 17th. The other case was a mysterious letter from a person abroad of unsound mind, taken by a Pole to the Russian embassy, with a view of getting himself included in the late Polish amnesty, and probably obtained also for that purpose. We regret to learn that the amnesty includes only men of a like stamp.

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public think when they learn that even Mazzini, whose case was first brought before the House of Commons,—with whom indeed had originated the whole inquiry,—Mazzini, who had petitioned for an opportunity of refuting the calumnies circulated against him by the Sardinian embassy, was never summoned by the committee. These calumnies the committee even repeat in part, while they take no notice of some of a still more serious character industriously whispered among the supporters of Government as an apology for the conduct of Lord Aberdeen in this particular case.

"Representations had been made to the British Government from high sources, that plots of which M. Mazzini was the centre were carrying on, upon British territory, to excite an insurrection in Italy; and that such insurrection, should it assume a formidable aspect, would, from peculiar political circumstances, disturb the peace of Europe. The British Government, considering the extent to which British interests were involved in the maintenance of that peace, issued on their own judgment, but not on the suggestion of any foreign power, a warrant to open and detain M. Mazzini's letters. Such information deduced from those letters as appeared to the British Government calculated to frustrate this attempt was communicated to a foreign power;* but the information so communicated was not of a nature to compromise, and did not compromise, the safety of any individual within the reach of that foreign power; nor was it made known to that power by what means, or from what source, that information had been obtained."

There are two points to notice in the above paragraph: one the description given of M. Mazzini as a dangerous conspirator,—a description unqualified by any intimation of the fact, known at least to more than one member of the committee, that M. Mazzini enjoys the confidence and respect of many Englishmen of the first rank, and stands for public character and private worth upon as high moral ground as any distinguished foreigner who has visited English shores;—the other point is the denial for

* "Not a syllable of this correspondence *has ever been submitted to any foreign power.*"—*Lord* ABERDEEN's *Speech.*

"Certain parts of the information thus obtained *were submitted to a foreign government.*"—*Report of the Lords' Committee.*

Upon this the 'Standard' says, "We cannot see a shade of inconsistency between the language of Lord Aberdeen and the language of the report." This is the Ministerial explanation! There is not a shade of inconsistency.

It is quite clear that Ministers have a standard of truth of their own, by which they measure their parliamentary declarations. When Sir Robert Peel was asked whether or not Lord De Grey had resigned the Lord-Lieutenancy of Ireland, he answered, "*There is not a word of truth in the report.*" The resignation of Lord De Grey had been received at the Home office that morning. When Lord Aberdeen is asked if Mazzini's letters were opened at the requisition of a foreign government, his lordship says, "NOT A SYLLABLE of the correspondence has ever been communicated to

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Lord Aberdeen of any act of treachery on his part which could have compromised the safety of foreigners resident in England, or of their friends abroad.

We will take the latter first; and let it be again remarked that this denial of treachery is made solely on the evidence of the parties accused. The committee first deliberatively refuse to hear the accusing witnesses, and then take the bare word of men whose avowed principle of action is, that duplicity is indispensable to affairs of state, and that the inviolability of truth is only to be respected as a rule for private conduct.

It would be difficult to imagine a more striking instance of the absence of common sense, or a wider departure from the first principles of common justice, than we find in the whole of these proceedings. But let us look at the fact; and with the assistance of no other light than is thrown upon it by the report of the two committees.

First, however, it will be well to consider what is treachery. What is it constitutes an act base, infamous, cruel, such as the world calls treachery, but for which all the languages of the world have no term sufficiently emphatic for its condemnation, in an indignant outburst of honest, withering scorn? It is the act of the supposed neutral or pretended friend availing himself of the confidence reposed in his neutrality or friendship, but secretly betraying to an enemy information which directly or indirectly may lead the betrayed to the dungeon or the executioner.

Well, then, is Lord Aberdeen guilty or not guilty of the crime imputed? Guilty, upon his own showing, and the *ex-parte* evidence of the attempts at exculpation given in the reports of the two committees. The report of the Lords states that "certain parts of the information thus obtained were communicated to a foreign

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any foreign power." It appears that certain parts of the information contained in the correspondence *were communicated* to a foreign power. Again, in the House of Commons, on Monday night, Captain Pechell asked whether the charges against Lieutenant Gray had been made by the Admiralty, by the Foreign office, or by any foreign government? Mr Sidney Herbert replied, "*No foreign government had* ANYTHING IN THE WORLD *to do with the matter.*" Now, what will be thought of this statement, when it is known that, upon the 2nd of June, 1843, the French ambassador presented a note to Lord Aberdeen, in which he said, "He was directed by his government *to require,*" first, that her Majesty's Government would disavow the conduct of the officers of the 'Bonetta;' and, secondly, "*that they will institute an inquiry*" into the proceedings of these officers, in order to ensure their punishment. Lord Aberdeen writes, on the 23rd of June, to inform Count St Aulaire, that "orders have been given to institute, without delay, a strict investigation." Yet Mr Sidney Herbert says that "no foreign power had anything in the world to do with the matter!"—('Morning Chronicle,' August 8th, 1844.)

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government." The report of the House of Commons states that "so much of the information was communicated to a foreign power as might *frustrate the attempt* about to be made;"—that is, as might lead to the apprehension and imprisonment of any and every person leaving England or Corfu upon the projected enterprise. The British Government did this,—and, gracious God! not a word of warning upon their impending fate was breathed to these victims of a misplaced confidence in British honour! No friendly hint told them their designs were known, and that, if attempted to be put in execution, death awaited them upon the shores of Calabria!*

We pray the reader to mark an important distinction. It may very fairly be contended that no country ought to allow an armament to be fitted out, in her own ports, against a foreign power, with which it may not be at war, or with which it may have peaceable and friendly relations. Granted; although we were not very nice upon this point in the days of Don Miguel and Don Carlos. We will give the committee the benefit of an extreme case. A pirate, although confining his depredations to French or Spanish shipping, ought not on that account to be allowed the benefit of Portsmouth harbour as a port of refuge. Nothing more true; but to neither pirate nor devil ought we to hold out the right hand of fellowship, proffer a home, protection, hospitality, and then put a noose about his neck, and lead him to the scaffold. We can conceive of many circumstances under which a foreigner in England would have no fair claim to the equal rights of English citizens;—for example, a French criminal escaped from the gallies; and who, after a re-examination in England, could not satisfactorily clear himself of the charges of which he had been found guilty by a jury. Such a man ought undoubtedly to be watched by the police; but fair and not foul play even towards criminals. Let the man know that he is watched. Station an officer at his door; shut him up, if necessary, in stone walls: but do not deceive him into a false security; do not bid him, after a while, depart in peace, and then put the avenger of blood upon his track.

Before Lord Aberdeen hastened to convey to a foreign power so much information as would suffice to enable that power to frustrate an attempt to be made by Italian exiles, *guests of England*, British honour required that he should have conveyed to the exiles themselves the knowledge of his intention. He might

* It is known that several, and it is believed that *all* the Italians who left Corfu, including the *elite* of the exiles, upon whom the cause was mainly dependent, were immediately seized, tried by a military commission, and shot.

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have sent for Mazzini and said, "Put your friends upon their guard; they are engaged in a project England cannot countenance. It is my duty to warn your government of its existence, and I therefore warn you that the plan must prove abortive: put an end to it, that life may be spared." Lord Aberdeen did not do this, and that he did not so act might well be a ground for impeachment; and in such a case impeachment would not be defied if the House of Commons represented popular opinion.

The apology offered by the committee is most discreditable to their judgment, for it is founded upon an obvious untruth, which the slightest penetration would have enabled them to detect. They say, referring of course to the evidence of Lord Aberdeen, that "the information so communicated was not of a nature to compromise, and did not compromise, the safety of any individual within the reach of that foreign power." The information alluded to was probably this: That a body of Italians were assembled at Corfu, and contemplated a descent upon some part of the Neapolitan coast. Of course, while they remained at Corfu they were out of the reach of the Neapolitan government; but what further clue would that government require to obtain a full knowledge of the facts withheld? By a secret emissary they could immediately find out the names of every Italian in Corfu; obtain a correct description of their persons, and signalize them to Austria and all the Italian states, so that wherever an Italian from Corfu landed he might be immediately seized; while his connexions in Italy might also be traced and put under arrest.

The consequences of any communications of this kind from one government to another are so certain, that now we are aware of the fact that such communications have passed, we are fully prepared to believe the general truth of the statements made in various quarters, that Poles, and Italians, and foreigners of other nations are at this very moment rotting in prison, while others have perished by the scaffold, through a system of espionage and treachery, of which a great and free country had ever been supposed incapable.

How far the past administration is involved in the guilt of the present we know not; but the obvious bias and class feeling of the committee, their refusal to examine the most important witnesses, and their apparent anxiety to suppress facts, and palliate and excuse the conduct of their respective party leaders, has left a dark stain upon the character of many public men, which we can only hope a full investigation might have, partially at least, removed.

That Lord Aberdeen, or any other English minister, signed the death-warrant of unfortunate exiles with deliberate intent, we do not believe:—such a monster could not breathe on English

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ground. The truth is, the Minister never bestowed a thought upon the possible result of his secret communications, as affecting the parties betrayed. Their position was too humble to be deemed an affair of the slightest moment; but that these communications were practically death-warrants in many cases; and in very numerous instances, warrants for imprisonment, no man can doubt who attends to the facts.

We know that the extracts furnished to foreign governments, from private letters passing through the Post office, have been much more full and copious than the evidence of Lord Aberdeen and Sir James Graham appear to have led the committee to infer; and* perhaps much more so than either of those ministers really believed; but who can tell to what extent the clerks, employed on this nefarious service, have been in the habit of trading (like some of the writers in the 'Portfolio'), with the secrets put in their

* The 'Morning Chronicle' of August 17 publishes a letter from a correspondent at Hamburg, who says that he had then in his possession government copies of extracts taken from the letters of M. Mazzini; and that names and details were also furnished, directly or indirectly. He adds—

"It is true the parties named were not at the time in this state, but it is also true when they unsuspectedly returned, they were seized, and are now loaded with irons in a loathsome dungeon! I will simply ask, is this the only instance of communicating with this state? No. This government was informed of every transaction that could be taken from letters of what took place between the parties in England, at the Ionian Islands, and other places, and this will account at once for the numerous arrests at various times. More than this, at the summary trials of these individuals, the strongest evidence produced against them was these very extracts.

"Let us now go back to the Polish revolution, and ask how was it possible that the Russian government obtained such universal knowledge of the correspondence carried on with England, and became so minutely acquainted with every shipment of arms, orders that were given for them, even to the Birmingham houses, the manner of packing them, &c. This was known to the government as precisely as had the orders been from them; and this enabled them to order the seizure, both in Austria and Prussia, of certain quantities of sugar hogsheads and pipes, &c. How did Russia obtain this information? From the letters that were opened by order of the Secretary of State.

"As I intend publishing at large all the proceedings that took place during that period, with the full extracts of the letters, with dates and names, as well as other matter relative to that period, I shall only say that hundreds of men and women were seized, whipped, and transported to Siberia, in consequence of such information.

"Let the government not imagine that this system does not tell against themselves as well; the foreign governments, knowing that the practice existed, have repeatedly misled the government, knowing their despatches would be read; and in one particular instance, being alarmed for the result, I informed my lamented friend, Mr M'Gillivray, for the information of Lord * * * n, that he was betrayed, and no doubt this will still be in the recollection of his lordship.

"It will be seen clearly that it is destructive every way, more particularly so now the affair is so public; and I only hope, after the publication of the extracts, and giving a list of the sufferers, many of whom are still enduring all the horrors of misery, both bodily and mentally, that this infernal machine will be blotted out of English law, for the honour of our country, and for the sake of human morality.

"Hamburg, August 10." "J. H.

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possession. Letters from betting noblemen it seems have been opened by local receivers, and the information they contained sold to blacklegs of the turf. How often have similar transactions been effected by Russian or Austrian gold for political objects?

The circumstances that first led Mazzini to suspect that his correspondence had been tampered with, was a communication to the 'Times,' printed as a leading article, the writer of which boasted of having then lying before him *a mass of documents* relating to the efforts of an Association in London for the emancipation of Italy; and alluded to facts, of which only a few members of that Association could have been cognizant by honest means. The attention of Mazzini had also been excited by frequent delays in the delivery of his letters; and now, on examining the post-mark, his suspicions were confirmed by observing that they invariably bore the mark of two different stamps; the one intended to efface the other; the object of which appeared to be to make the hour of delivery correspond with that in which the letter had been received, and so to prevent the original stamp, or attestation of the receiver of the time when the letter was posted, being evidence of the fact of its detention. To be quite sure of this Mazzini took the precaution to post, in St Martin-le-Grand, letters directed to himself early in the forenoon, when the receiver's stamp would be 10 F N 10. The letters came to hand in the afternoon with the receiver's mark 10 altered into 12; the figure of 2 being stamped upon the original 0, but not so as entirely and successfully to conceal it. Mazzini, then, in the presence of witnesses, posted at one and the same time letters addressed to himself, and letters addressed to fictitious persons at the same residence, and the latter were regularly delivered two hours before his own. On consulting with his friends other contrivances were adopted to complete the chain of evidence. Letters directed to Mazzini were posted, containing grains of sand, poppy seeds, or fine hairs, and so folded that the sand, the seed, or the hairs could not fall out, unless the letters were opened. When delivered, sand, seed, and hairs had disappeared. Other experiments were tried with the seals. A wafer, carefully cut square, was found to have altered its shape in passing through the Post office; and in the case of wax seals, the exact appearance of the impression being carefully noted, it was found that the subsequent Post-office counterfeit was sometimes placed more or less upright than the original.

These experiments will have to be repeated, and we therefore describe them for the information of the public. The Lords' eport states that "it is the concurrent opinion of witnesses,

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who have held high office, that they would very reluctantly see this power abolished;" and it is very certain that, whether legally abolished or not, a numerous class of subordinates will be equally reluctant, with their superiors, to give up the practice. Let all honest men, therefore, be upon their guard.

M. Mazzini has rendered the British public, as well as his own countrymen and the unfortunate exiles of every nation, who may be compelled to seek a temporary asylum in England, an important service. Had he been the mere conspirator, intimated by the committee, he would have kept the information to himself, and made use of it to mislead the Government, by false intimations of his real designs. It was in this way that Prince Maurice, of Saxony, defeated the Emperor Charles V. The spies of the Emperor were discovered and duped.

Mazzini, as far as he was personally concerned, had no conspiracy to conceal. He was not a party to the expedition from Corfu; the history of which may be very briefly explained. Several of the states of Italy have been for some time in a very disturbed state, and their imbecile and corrupt governments again appear on the eve of dissolution. In Calabria the peasantry had risen in open insurrection; and hearing of it, a handful of exiles at Corfu proposed to join them. They wrote to Mazzini for assistance from the London Association, which was refused. Mazzini, in reply, endeavoured to dissuade them from the project, as a microscopical effort, which could only damage the cause. Finally, however, twenty Italians left Corfu for Calabria in an Italian ship; a ship which there is now strong reason for suspecting was sent from Naples as a lure (on the information supplied by the English Government). No one of them has since been heard of alive.

Mazzini was the editor of 'La Giovine Italia,' of which six volumes were published; and we believe, from the open, candid character of the man, the nature of any plot in which he is likely ever to be engaged, may just as easily be gathered from his printed publications as his private letters. That Italy is misgoverned is a fact notorious to all the world;—why in free England should the fact not be openly proclaimed? But it is not by plotters from without that any one of the governments of Italy will be overthrown. The regeneration of Italy must be a national effort—which the exile can at best but feebly second. Mazzini knows this, and prays that the time may come when a national effort will be made. We pray for it with him—and God be with a brave heart that beats for no other object.

The present state of Italy could not be better illustrated than by describing the circumstances which threw Mazzini into his present position. He first attracted the attention of the governments of Italy by the freedom with which, through various

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channels, he discussed literary questions. We need hardly say that for *political* questions there is no channel in Italy. A 'Westminster Review' would be a greater curiosity at Rome than the Thames Tunnel. In 1828, Mazzini published at Genoa a weekly literary gazette, called the 'Indicatoire Genovese.' It appeared under the double supervision of a civil and an ecclesiastical censorship; but at the end of the year it was suppressed. In 1829 he attempted a similar journal at Leghorn, under the title of the 'Indicatore Livornese,' but in a few months this also was suppressed. The same year he wrote an article upon European literature in a review called the 'Antologia,' published at Florence. The review was suppressed, after having been in the first instance prosecuted. In 1830 occurred the revolution of July; and from the excitement it occasioned in Italy it was deemed prudent to put under arrest every person of known or suspected liberal sentiments. Mazzini was of course amongst them. Mazzini's father, who is professor of anatomy at the University of Genoa, went to the governor of the town (Venanson) to inquire what offence his son had committed, and found that the chief ground of accusation was the following:—"Your son," said the governor, "is in the habit of walking every evening in the fields and gardens of the suburbs, alone, and wrapt in meditation. What on earth can he have at his age to think about? We don't like so much thinking on the part of young people without knowing the subject of their thoughts."

A commission of senators was appointed at Turin to try Mazzini and his friends; but as nothing could be proved against them, they were acquitted. The acquittal, however, signified nothing. Mazzini was detained for five months in solitary confinement in the fortress of Savona, and then banished the country.

At this time Louis Philippe, newly seated on his throne, had not been recognised by the absolute sovereigns of Europe, and it was the policy of the French government to protect and encourage the discontented of all nations, especially Italians and Spaniards; many of whom received money and semi-official offers of assistance. The object of Louis Philippe in this case has since been explained. It was merely to embarrass the allied powers with their own subjects, that hostilities against France might be rendered impossible. When this end had been answered, revolutionary propagandism was disavowed, and protection was withdrawn from the refugees; but not till many among them had been led to commit themselves too hopelessly against their own governments to dream of returning to their native land. The unfortunate Spaniards and Italians fell alike into the same snare. Who among them could be blamed for believing that the time

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had arrived when a blow struck for freedom could not be other than successful? They were deceived by a prospect bright but transitory; soon to be overcast with dark shadows, which could not be foreseen.

Mazzini was permitted to publish at Marseilles 'La Giovine Italia,' and to form an association of Italian liberals, under the same name. This association differed from that of the old Carbonari in various points, but especially in repudiating secrecy, whenever it was practicable to claim and exercise the right of public discussion. A free press not existing in Italy, the press of foreign countries was used as a medium for the open dissemination of liberal principles. The political tracts of 'La Giovine Italia' were smuggled by Italian merchant ships from Marseilles into Italy, and immediately produced an effect which alarmed the Italian governments for the result. In various states the symptoms of an impending revolution could not be mistaken. In some the people broke out into open insurrection—a movement in which the foreign exiles hastened to take a part.

It commenced too late. The policy of France had changed. The new House of Bourbon came to an understanding with the House of Austria, and Italy was sacrificed as the price of peace. The refugees at Marseilles were now sent into the interior. Mazzini, without form of trial, or reason assigned, was ordered to quit France. He refused. Hope had not yet been abandoned, and it appeared to him still important to keep himself in communication with his countrymen. He remained at Marseilles for twelve months, baffling the vigilance of the French police and Italian spies; but so rigorous was his seclusion, that only twice during the whole period did he venture to leave his place of concealment to breathe the fresh air, and that only at night, once in the dress of a woman, in the other instance disguised in the uniform of the National Guard. When a large body of Italians assembled in Switzerland, to aid a popular movement in Savoy, Mazzini joined them. The attempt then made, although frustrated, chiefly through the misconduct of their military leader (General Ramorino), brought upon Switzerland the ire of the great powers. Diplomatic notes were showered upon the government of the Cantons. Austrian and French troops were poured upon the frontiers. Mazzini and his friends were compelled to fly from Geneva to the Canton de Vaud; thence to Berne, thence to Solothurn; thence to unfrequented villages in the mountains; everywhere receiving marks of sympathy and kindness from the people, but finally compelled to look to England as the only country in Europe in which it would be permitted them to find a resting-place or a safe asylum.

How safe that asylum must have proved to some who have

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since left it unconscious that the reputation of Great Britain for honour and hospitality only masks the same system of secret espionage which prevails on the continent, we leave the public to judge. Mazzini landed in England in 1837, and has remained a guest of this country from that period to the present; known and esteemed by several distinguished members of our aristocracy, and enjoying the confidence and personal friendship of many of our ablest literary men.*

This slight biographical sketch will enable us to explain more fully than we could otherwise have done, the cruel injustice (apart from all other considerations) of the two committees, in

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* We subjoin the testimony, on this head, of the author of 'Past and Present:'—

"TO THE EDITOR OF THE TIMES.

"SIR,—In your observations in yesterday's 'Times' on the late disgraceful affair of M. Mazzini's letters and the Secretary of State, you mention that M. Mazzini is entirely unknown to you, entirely indifferent to you; and add, very justly, that if he were the most contemptible of mankind, it would not affect your argument on the subject.

"It may tend to throw further light on this matter if I now certify you, which I in some sort feel called upon to do, that M. Mazzini is not unknown to various competent persons in this country; and that he is very far indeed from being contemptible—none farther, or very few of living men. I have had the honour to know M. Mazzini for a series of years; and, whatever I may think of his practical insight and skill in worldly affairs, I can with great freedom testify to all men that he, if I have ever seen one such, is a man of genius and virtue, a man of sterling veracity, humanity, and nobleness of mind, one of those rare men, numerable unfortunately, but as units in this world, who are worthy to be called martyr souls; who, in silence, piously in their daily life, understand and practice what is meant by that. Of Italian democracies and young Italy's sorrows, of extraneous Austian Emperors in Milan, or poor old chimerical Popes in Bologna, I know nothing, and desire to know nothing; but this other thing I do know, and can here declare publicly to be a fact, which fact all of us that have occasion to comment on M. Mazzini and his affairs may do well to take along with us, as a thing leading towards new clearness, and not towards new additional darkness, regarding him and them.

"Whether the extraneous Austrian Emperor and miserable old chimera of a Pope shall maintain themselves in Italy, or be obliged to decamp from Italy, is not a question in the least vital to Englishmen. But it is a question vital to us that sealed letters in an English post office be, as we all fancied they were, respected as things sacred; that opening of men's letters, a practice near of kin to picking men's pockets, and to other still viler and far fataler forms of scoundrelism, be not resorted to in England, except in cases of the very last extremity. When some new Gunpowder Plot may be in the wind, some double-dyed high treason, or imminent national wreck not avoidable otherwise, then let us open letters: not till then. To all Austrian Kaisers and such like, in their time of trouble, let us answer, as our fathers from of old have answered:—Not by such means is help here for you. Such means, allied to picking of pockets and viler forms of scoundrelism, are not permitted in this country for your behoof. The right honourable secretary does himself detest such, and even is afraid to employ them. He dare not: it would be dangerous for him! All British men that might chance to come in view of such a transaction, would incline to spurn it, and trample on it, and indignantly ask him, what he meant by it?

"I am, sir, your obedient servant,

"Chelsea, June 15, 1844." "THOMAS CARLYLE.

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refusing Mazzini an opportunity of self-vindication; and in declining to receive any evidence that had not a tendency to extenuate the conduct of Whig and Tory statesmen, by showing that as the principle of Post-office espionage had been adopted by both parties, no valid objections could be urged against the practice.

We have already observed that England is under no moral obligation to protect an escaped criminal; but a criminal in one country ought not to be punished by the laws of another. Wherever any man is condemned he should first be fairly tried. Suppose the case of a foreigner arriving in England, whom it would really be right to treat as an outlaw; one in no respect to be trusted, not even with pens, ink, and paper; and to be refused the privileges of the penny post. Before such a sentence of outlawry should be passed by an English tribunal, would it not be right that the man should be heard in his own defence? No, say the two committees; let the tribunal be secret, the evidence be secret, the sentence itself secret, and let it be secretly executed. In other words, let the Spanish inquisition be established in Downing street. The two committees were even willing to share in the responsibilities of such a court. What imputations will the reader suppose were circulated in high quarters against the character of Mazzini, and brought privately to the ears of the committees, to make it appear that against such a man extraordinary precautions were really required? No less a charge than that of having instigated the murder of two of his own countrymen, in the year 1832! This infamous calumny may have made little impression upon the minds of the members, but we know that both committees were acquainted with the report, and that they refused to give Mazzini, or his friends, an opportunity of rebutting it; on the ground, we presume, that the facts were irrelevant to the inquiry. No facts, however, were deemed irrelevant that had a tendency to clear from injurious aspersions the characters of Sir James Graham and Lord Aberdeen.

The origin of this calumny furnishes another argument against the policy of a system of espionage, in any form. Knaves cannot be kept from knavery. Spies, when they cannot detect a plot, will create one in order to betray it; and the kind of evidence they know to be desired, if it do not exist, they will take care to invent.

On the 31st May, 1833, two spies of the Duke of Modena, Lazzoreschi and Emiliani, who had been sent to mix among political exiles, and worm out their secrets, were killed in a quarrel at Rodez (Aveyron), in the public road, in open day, by an Italian named Gavioli. The deed, although unpremeditated, as appeared from the verdict of the jury, naturally brought

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much odium upon the whole of the Italian exiles, andto damage them still further, advantage was taken of it by a secret enemy, to connect it with the name of Mazzini. The next week (June 8th) there appeared in the non-official part of the 'Moniteur' (without any introductory preface or explanation) a forged document, purporting to be the decree of a secret revolutionary tribunal, pronouncing sentence of death upon Emiliani and others, and signed Mazzini, president, and La Cecilia, as secretary. As Mazzini was then lying concealed at Marseilles, this was looked upon by his friends as a *ruse* of the French police to induce all honest French citizens to assist in discovering his retreat. The badness of the style and composition, the half-French expressions, and numerous grammatical errors of the pretended document, proved that it could not have been written by any educated Italian, much less by a man of high literary reputation like Mazzini;* who, however, at once denounced the forgery in the columns of the 'Gazette des Tribunaux.' The subsequent trial of Gavioli, Nov. 30, 1833 (before the Cour d'Assizes of Aveyron), satisfied the public that no such secret tribunal existed. The document was not produced in evidence, and the jury, convinced that Gavioli had no accomplices and that the crime committed did not amount to murder with intent, returned a verdict of "*homicide sans préméditation.*" Gavioli was

* The following is the forged document alluded to :—

"La sera del 15 corrente, alle ore 10 pomeridiane, il Capo della Società adunati i membri che la compongono, ordinò al segretario di pubblicare una lettera, nella quale era riportata una sentenza emanata dal tribunale di Marsiglia, contro i *prevenuti** rei Emiliani, Scuriatti, Lazzoreschi, Andreani, cipti gli atti processuali spediteci dal presidente in Rodez, ne é risultato, ch' essi sono rei :—1. Come propagatori di scritti infami contro la sacra nostra Società. 2. Come *partisanti*† dell' infame governo papale *di cui* hanno corrispondenza, che *tutto* tende a rovescisre i nostri *disegni contro* la santa causa della libertà. Il *fisco* dopo le più esatte riflessioni, e da quanto e' risultato in processo, facendo uso dell' art. 22, *condanna a pieni voti* Emiliani e Scuriatti alla pena di morte; in quanto al Lazzoreschi e Andreani perché non costa abbastanza di quanto vengono addebitati, la loro condanna e' la *percussione di alcuni colpi* di verga, e si lascia l'incarico ai loro tribunali appena tornati in patria di condannarli in galera *ad vitam* (come famosi ladri e *trafattori*). Si ordina in oltre al presidente in Rodez estrare quattro individui esecutori della detta sentenza da eseguirsi imprescriptibilmente entro il periodo di giorni 20, e chiunque *dell' estrato* si recusasse, dovrà essere trucidato *ipso facto.*

"Data in Marsiglia, dal supremo tribunale, questa sera, alle ore 12, pomerid. 15 Dec. 1832.

"MAZZINI, Presidente.

"CECILIA, L'Incaricato."

* French word.

† French word, *partisans.* All that is underlined is entirely ungrammatical. The *Fisco* (Attorney-General) that condemns, *pieni voti*, unanimously, the accused, is capital.

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sentenced to "*Les Travaux Forcés;*" and further to show that the French government perfectly well understood all the facts of the case, we may add, that the Italian, La Cecilia, whose name was coupled with Mazzini in the forged document, was at the time openly living in France (where he still remains), supported by the grants of the French Chamber for exiles, and was neither arrested nor once interrogated on the subject.

In 1840, the story was revived by Gisquèt, the ex-prefét of police, in his published memoirs; afterwards translated into English.

Mazzini, thereupon, brought an action against him for defamation. The action was tried before the Tribunal Correctionel de Paris, in April, 1841; but owing to the impudent, but ingenious character of the defence set up, a verdict was given for the defendant. Gisquét met the charge by asserting that there was more than one Mazzini in the world, and that Mazzini the prosecutor, being a man, as all admitted, of the highest moral integrity, he could not possibly be *the* Mazzini referred to in the paragraph quoted from the 'Moniteur.'

Here, it might have been supposed, the matter would have ended, but the tale of slander was yet to serve the cause of absolutism, and so it was circulated anew in England to damage Mazzini with the English government, and afterwards repeated by the friends of the latter, to justify the secret espionage of Lord Aberdeen.

Every step in these proceedings is deservedly to be regarded with abhorrence. If the members of the Sardinian or Russian embassies come here to spread lies of honest men, by what right of office does an English minister listen to them, without first confronting the accuser with the accused? The question alone exposes the sophistry of the whole of the argument set up, for the practices exposed, as founded upon the necessity of extraordinary powers in "cases of emergency."

First *prove* your case of emergency, and prove it by fair means and not by foul. The law gives the power to break open a desk upon due cause assigned before a magistrate; let the law give the same power to break the seal of a letter in similar exigencies;—but in both cases let there be sworn affidavits, not whispered slanders, and let the act be public, with no attempt at disguise; that if injustice be done, the party aggrieved may know by whom he has been wronged, and obtain redress. No law has yet authorized a policeman to forge the handwriting of a felon, to promote the ends of justice; let no law authorize the forgery of stamps, or the counterfeiting of seals, for the same object. No conceivable contingency can justify the adoption

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of *treachery* as a principle of civil government. We may grant its conveniences as an occasional expedient; but honest men can do without it in private life, and so can honest governments.

It may be asked how we would apply this argument to a state of war. The answer is, that a state of war is not a case of civil government. In war there is an end of all civil right and moral law. Civilization then goes back to barbarism. Man ceases to be man, and returns to the state of the brute and savage. In war we begin by assuming that it is right to *kill* our enemy; if so, we need not, while about it, be fastidious as to the commission of any minor injury. When murder becomes allowable, fraud, forgery, and felony may be admissible stratagems;—not till then.

The committee of the House of Commons need not to have gone back to the letter of Brian Tuke to Thomas Cromwell, in 1533, upon the duties of the Post office; with far less research they might have procured a copy of a much more important letter, and one more applicable to the subject of their inquiry;—the circular letter of M. Carnot, when Ministre de l'Interieur, during the hundred days; a time of some "emergency" to French interests. This should have been the spirit of their report:—

Le Ministre de l'Intérieur Consul de l'Empire: a M. le Prefét du Département de ———

"Paris, le 8 Mai, 1815.

"Je suis informé M. le Prefét que dans plusieurs parties de l'empire le secret des correspondances a été violé par des agens de l'administration. Qui peut avoir autorisé des pareilles mesures? Leur auteurs diront-ils qu-ils ont voulu servir le gouvernement et chercher sa pensée? Porter de pareilles procedés dans l'administration, ce n'est point servir l'Empereur, c'est calomnier sa majesté. Elle ne demande point, elle rejette les hommages d'un dévouement désavoué par la loi. Or les lois ne se sont elles pas accordées depuis 1789, à prononcér que le secret des lettres est inviolable? Tous nos malheurs aux diverses époques de la Revolution sont venus de la violation des principes: il est temps d'y rentrer. Vous voudrez donc bien M. le Prefét faire poursuivre d'après toute la rigeur des lois ces infractions d'un des droits le plus sacré de l'homme en société. La penseé d'un citoyen François doit être libre comme sa personne même.—Agréez, monsieur, l'assurance, &c.,

"Carnot."

'*Memoires Historiques et Militaires sur Carnot*,' *Paris*, 1824: *p.* 349.

The subject cannot be allowed to rest. The committee treat it as a light thing that the number of warrants for opening

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letters do not affect more than twelve individuals upon an average in the year. It is not a light thing to find that the practice is on the increase. It is not a light thing that the letters of as many as fifty individuals were opened by authority in the year 1842. It is not a light thing to learn that the reading of letters obtained by surreptitious means is adopted by a Secretary of State for Foreign Affairs, and a Secretary of State for the Home Department, as the only effectual mode of reading the signs of the times. It is not a light thing to know that the practice has extended to the subordinates of departments, and that all confidence in the security of the cheapest, and often the only available channel for written communications has been utterly destroyed.

We call for further inquiry. We demand a full and public investigation of all the facts to which we have referred, and a re-examination of the principles of administrative government. No more secret committees. And what means secrecy when an inquiry is to be made into the conduct of public servants? What is there to screen if they have only discharged their duty? What is there in any act of duty of which they need be ashamed? "He that loveth truth cometh to the light that his deeds may be made manifest." Abuses only flourish in the dark.

This anxiety for secrecy on the part of public officers is a growing evil. In the Customs, in the Stamp office, in various Government departments, we hear now of common clerks sworn to secrecy, or told by their superiors that if they communicate to the public any information connected with the business of the office, they will be instantly dismissed. A mere surveyor of Queen's taxes, with a salary of 200*l.* per annum, is a person entrusted with "private and confidential communications." Why, who are these men who treat as enemies their fellow subjects of the realm? Is it their business to prey upon the public or to serve it? Let diplomacy have its secrets, for diplomacy is but a refined mode of modern warfare, effecting its objects by tricks; but there needs no diplomacy between a servant and his employer. For public servants, we want responsibility; and responsibility cannot be obtained without publicity. Secrecy is but another word for fear. MYSTERY was the name of the beast in the revelations. The great monster by which was typified all the civil and ecclesiastical corruptions of the earth, had on its forehead a name written, and that name was MYSTERY, BABYLON THE MOTHER OF HARLOTS.

W.

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CRITICAL AND MISCELLANEOUS NOTICES.

BIOGRAPHY.

The Life of Sir Hugh Palliser. By Robert M. Hunt, Esq. Chapman and Hall, Strand.

The Biographical Dictionary of the Society for the Diffusion of Useful Knowledge. Vol. III. Part II. Longman.

The merits which cannot fail to procure a high character for this work as a monument of literary research and industry, are likely in some degree to limit its usefulness, for the undertaking is so vast, the scheme of it so exceedingly comprehensive, and the scale upon which it is executed so great, that if carried on to the end as it has been begun, it will ultimately be most voluminous. The mere ultimate amount of cost we do not consider likely to operate as an objection, because that will have been spread over such a great number of years as not to be felt; but the prodigious length of time which it will take to bring out the work is a serious inconvenience. Six very closely-printed octavos, of between four and five hundred pages each (though called only half-volumes), do not include the whole of the letter A, coming no further than "Atkyns;" we may therefore expect not at all fewer than one hundred such volumes, because many letters of the alphabet, which in other dictionaries contain very few articles, will furnish a very great number of foreign names

Without at all impairing the usefulness of the work, the plan might have been greatly contracted by merely confining it to modern biography, thus getting rid at once of an enormous mass of names, the majority of which are likely to be thought by most persons to encumber the work very needlessly. If ancient biography, biblical and classical, was considered equally desirable, that might very properly have been made to constitute a separate and independent work, published either simultaneously or separately. No doubt its sale would not have been at all in proportion to that of the other; yet such probability strengthens our opinion that the incorporating both together is not particularly judicious, because the less attractive portion now hangs as a clog and dead weight on the other.

To have drawn an express line between ancient and modern biography would no doubt have been rather puzzling, and after all must have been an arbitrary one; yet if no other could have been fixed upon, modern biography might have been made to commence from the period to which dictionaries of ancient biography are usually brought down. We ourselves should say that the history of the last eight or nine centuries furnishes quite as much as would be expected by any one under the title of Modern General Biography.

The Society's Dictionary, however, is not only general but universal; it carries us back very far beyond the confines of biography, even to the creation of the human race, to Adam himself. Universal, too, it is in another sense, for every name that could possibly be got hold of, no matter how unimportant or uninteresting, seems to have been introduced; many individuals being mentioned of whom scarcely more was to be said than that they appeared to have lived at such or such a time. We do not pretend to have made any computation, but at a rough guess should say that of the

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six volumes now published, not much more matter than would fill two is likely to interest persons in general, meaning thereby those who purchase works of the kind. By and by, indeed, this proportion may be increased; there may in some volumes be a far greater frequency of modern and even very recent names, and many eminent or noted characters now living will perhaps have passed off the stage before the time arrives for their being here recorded. The materials of biography are perpetually accumulating, and that in an increasing ratio, and to such an extent that even if confined to the present century a general biography would be a very copious and voluminous work. In the case of the Society's Dictionary, the public have at least full assurance of one thing, namely, that it will be carried on perseveringly and without any relaxation of attention and industry. The undertaking itself is, most undeniably, highly honourable to the public spirit of the body from whom it emanates. Still, though we admit this, and also fully subscribe to all that has been said in praise of the execution of the work, we have ventured, as it has not been done before, to point out what we cannot help considering—we will not say defects, but—inconveniences in the scheme of it, and which tend to limit to the few a work that deserves to be for the many. H. L.

THE CURRENCY.

Reply to the Objections of the Westminster Review to the Government Plan for the Regulation of the Currency. By R. Torrens, Esq., F.R.S. Smith, Elder, and Co.

A Metallic Currency a Barrier to the Progress of Civilization, and Primary Cause of Restriction on International Commerce. J. B. Nichols and Son.

Journal des Economistes, No. 33, for August, 1844. Gillaumin. Paris.

The author of the article on the Currency Question in our last number having, since its publication, been absent from England, we know not whether he has yet seen the reply it called forth, or whether, should he have seen it, he may be of opinion that his positions require to be sustained by any further arguments, to rebut the reasoning of Colonel Torrens. We will not interfere in the controversy further than to express a conviction that the theory upon which the Bank Charter Bill is based is not only unsound, but that the Bill itself will fail in carrying out its own principles; of the latter fact a very clear, and we think unanswerable demonstration has been given by a weekly contemporary (the 'Economist,' No. 49, for August 3). We cannot, however, but congratulate our readers upon the signs of an end not very distant to the mystification in which the public has been involved by the mode in which the controversy has been too generally conducted on both sides by the advocates of gold *versus* paper, and paper *versus* gold. Nearly all the combatants have proceeded upon an assumption which must ultimately be given up, of an exaggerated influence of money power upon prices. Mr Tooke led the way in demolishing this fallacy. "A," in our last number, proved and put in a forcible light that prices are influenced not by money alone, but by whatever constitutes a purchasing power, and that credit is a purchasing power as well as money. And we have now another valuable contribution to the interests of true science by a French economist, in the number for August of the 'Journal des Economistes,' published at Paris. We allude to a paper by M. Théodore Fix, entitled 'La Mesure de la Valeur,' in which he inquires into the meaning of the term "standard of value," as used by Sir Robert

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Peel, and shows that the words are based upon a metaphysical illusion, which we suspect to be the groundwork of half the errors that have existed on this subject of the currency. M. Fix shows that value is not in any case a tangible fixed enduring entity, like a pound weight or a foot rule; that value is, in fact, only the temporary relation between two or more commodities, of which the supply and demand are for ever changing. Consequently that there cannot in the nature of things exist, scientifically and strictly, the *unit* of value contended for, whether in silver or gold, and therefore that the phrase "standard of value" is only a blunder; but a blunder which, occurring at the very threshold of the inquiry, must be fatal alike to all theories of which it is made the foundation.

It is only at the very moment when an exchange is effected between any two commodities that one can be regarded as a measure of the other, and both are then relatively to each other exact measures of value. The next moment the demand or supply of each may change, and they then cease to be the same measures of value. Neither has any real fixity; neither, therefore, can there be a true standard. Fix the demand, fix the supply, fix the estimation in which a commodity is held, fix the necessity for constantly employing it in similar circumstances, and you have then a "standard of value." But these are moral and physical impossibilities.

"La plupart des phenomènes physiques peuvent être soumis à une appréciation mathèmatique, quant à leur durée, à leur intensité, à leur étendue, &c.; les instruments et les unités, pour nous rendre compte de ces differentes circonstances, ne nous manquent pas. Mais quand il s'agit d'éléments moraux, de passions, de désirs, de besoins, à chaque instant variables, de circonstances fugitives qui existent ici et non ailleurs, qui se produisent aujourd'hui et qui disparaissent demain, alors il n'y a plus d'echelle proportionelle avec un point de départ fixe. L'or ne tire évidemment sa valeur que du besoin que nous en avons, et ce besoin est variable; non pas aussi mobile à la verité que nos passions et nos simples désirs, mais enfin il a des phases diverses qui dérivent de la mobilité des combinaisons sociales et des convenances individuelles."

We attach so much importance to the article from which this extract is taken, as a clear exposition of a subject very imperfectly understood, that we would have translated it, and reprinted the whole, if our space had permitted. We gladly, however, embrace the opportunity of calling the attention of English economists to this paper, and to the ably-edited periodical in which the article appears. The 'Journal des Economistes' is published monthly, and the present number, for August, contains many papers of great interest.* H.

EDUCATION.

A New Series of School Books. By the Scottish School Book Association. Houlston and Stoneman, 65 Paternoster row.

We must reserve, for our next number, an opinion upon the publications of this society, several of which appear to have considerable merit.

Education. By Edward Collinson. Hamilton, Adams, and Co.

An Etymological French Dictionary. By James Heard. Houlston and Stoneman.

An Elementary Grammar of the German Language. The Formation of Words of the German Language, founded on Dr Becker's System. By Heinrich Apel. Simpkin, Marshall, and Co.

* Under the New Convention it may be obtained through the Post. The postage charge on this side the water is a shilling. The price of the work to subscribers in Paris is sixteen francs for six months.

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FICTION.

THE STORY OF A FEATHER. By Douglas Jerrold. Published at the 'Punch' Office, 194 Strand.

A CLEVER tale, of which some fragments interested us in 'Punch.' In its present form the interest improves, as the story may be continuously read; and we have rarely met with one better told.

Sydney Morcom. 2 vols. Edward Mexon, Dover street.

HISTORY.

Thornton's History of China. In 2 vols. By Thomas Thornton, Esq. W. H. Allen and Co., Leadenhall street.

MISCELLANEOUS.

THE CHEMICAL DELECTUS. By George Cox. G. Cox, 128 Holborn hill.

A VERY useful little manual, with prices of most of the substances required in experimental chemistry.

Knight's Ecclesiastical Architecture of Italy. Vol. II. Bohn.

The Pilgrim's Progress. With Illustrations by Selous. Holloway.

Foster's Contributions to the 'Eclectic Review.' 2 vols. Thomas Ward, Paternoster row.

Reply to the Marquis de Custine's 'Russia.' T. C. Newby, 65 Mortimer street.

How can the Church Educate the People? By a Member of the National Society. Francis and John Rivington, St Paul's churchyard.

The Complete Concordance of Shakspere. Being a Verbal Index to all the Passages in the Dramatic Works of the Poet. By Mrs Cowden Clarke. Parts I, II, III, IV. Charles Knight, Ludgate street.

Müller's Scientific Mythology. Translated by J. Leitch. Longman, Brown, and Green.

Chandler's Criminal Trials. 2 vols. A. Maxwell, 32 Bell yard, Lincoln's inn.

Industrial Resources of Ireland. By Dr Kane. Hodges and Smith, 21 College green, Dublin.

Rabelais' Works. Vol. I. J. Russell Smith, 4 Old Compton street.

An Essay on the Constitution of the Earth. Houlston and Stoneman, Paternoster row.

Mantell's Medals of Creation. Vols. I and II. H. G. Bohn, York street, Covent garden.

Spectacle Secrets. By George Cox. G. Cox, 128 Holborn hill.
[Secrets worth knowing.]

Lectures on Heraldry. By Archibald Barrington, M.D. George Bell, Fleet street.

Minutes of the First Anti-Church-State Conference, held in London, April 30, May 1 and 2. Published at the Offices of the Association, Aldine Chambers, Paternoster row.

Journal of the Statistical Society of London. Vol. VII: Part II. J. W. Parker, West Strand.

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Miscellaneous Contributions to Pathology and Therapeutics. By J. R. Smyth, M.D. Simpkin, Marshall, and Co.

A Treatise on the Steam Engine. By the Artizan Club. Parts I and II. Longman, Brown, and Co.

The Vital Statistics of Glasgow. David Robertson, Glasgow.

Metropolitan Drapers' Association Prize Essay on the Late Hours of Business. James Nisbet and Co., Berners street.

Common Sense against Repeal. By a Milesian. Numbers I, II, III, IV, V, VI. J. S. Folds and Son, Dublin.

The Miseries of Prostitution. By James Beard Talbot. J. Madden and Co., Leadenhall street.

La Rapport fait par Monsieur le Duc de Broglie au nom de la Commission Chargée d'Etudiér Relatives à l'Abolition de l'Esclavage dans les Colonies Françaises.

La Rapport addressé à Monsieur le Duc de Broglie, par Monsieur Jules Lechevalier à la suite des Voyages qu'il a fait aux Antilles, et à la Guyanne dans les Anneés 1838 et 1839.

So much of the Diary of Lady Willoughby as relates to her Domestic History, and to the Eventful Period of the Reign of Charles the First. Imprinted for Longman, Brown, Green, and Longmans, of Paternoster row, over against Warwick lane, in the City of London. 1844.

This most pleasant fiction comes to us in the guise of a new contribution to the history of the last days of Charles the First, a period already abundantly rich in its diaries, memoirs, and narratives of an autobiographical kind; yet never too rich in such materials, which cannot be overvalued for their importance; and so characteristic in some features is this diary, that its professed author, Lady Willoughby, is worthy of welcome among the Hutchinsons, Lauds, Denzils, Ashburnhams, and others of her time. Not, we must say, on account of any addition to the history of the period: indeed, there is no historical relation in her diary which, we think, we may not already recognize in some of the many other contemporary productions; but the work has great charms of another kind, appealing to more widely-spread sympathies than those which the relation of public events calls forth. The diary opens thus:—

"Arose at my usual houre, six of the clock, for the first time since the birth of my little sonne; opened the casement, and look'd forth upon the park; a drove of deer pass'd bye, leaving the traces of their footsteps in the dewy grass. The birds sang, and the air was sweet with the scent of the wood-binde and the fresh birch leaves. Took down my Bible; found the mark at the 103rd psalm; read the same, and return'd thanks to Almighty God that he had brought me safely through my late peril and extremity, and in his great bountie had given me a deare little one. Pray'd him to assist me by his divine grace in the right performance of my new and sacred duties; truly I am a young mother, and need help. Sent a message to my lord, that if it so pleased him I would take breakfast with him in the blue parlour. At noon walked out on the South Terrace; the two greyhounds came leaping towards me: divers household affaires in the course of the day; enough wearied when night came.

"Had a disturbed night, and rose late, not down till after seven: thoughts wan-

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dering at prayers. The chaplain detained us after service to know our pleasure concerning the christening; my lord doth wish nothing omitted that should seem proper to signify his respect to that religious ordinance which admits his child into the outward and visible church of Christ, and give honour to his firste born sonne. During breakfast we gave the subject much consideration. My husband doth not desire him to be named after himself, but rather after his father; his brother William therefore, bearing his name, will stand godfather. All being at last brought to a satisfactory conclusion, he went forth with the chaplain, and gave his orders according therewith, I doing the same in my smaller capacity; he for whom was all this care lying unconsciously in his nurse's arms."

A few days afterwards the young wife thus feelingly records some little misunderstanding with her lord:—

"Most unhappy in mind this day; temper sorely tried, and feelings of resentment at what did appeare unkind conduct in another, were too visibly expressed in manner and countenance, though I did refrain from words.

"Slept last night in very wearinesse of weeping; and awaken'd this morning with a feeling of hopelessnesse; and ill at ease myselfe, methought everything around seemed melancholly; truth and affection doubted, shortcomings hardly judged of; this is an unlook'd for triall. The sun shon brightly through the open window, but it seemed not to shine for me: I took my Bible to read therein my usuall portion; and kneel'd down to pray, but could only weep; thoughts of my mother's tender love arose, and the trust on either side that had been unbroken between us. Remembering an outward composure must be attain'd unto, before I could go down to breakfast, washed my eyes, and let the fresh aire blow upon my face; felt I was a poore dissembler, having had heretofore but little trouble of heart to conceal: mett my husband in the corridor with Lord Brooke, and well nigh lost my selfe-command when he gave a kindly pressure of my hand as he led me down stairs. This evening how different does all appeare; and though this and some other late experiences occasion me to perceave that life is not so calm a sea as it once did seeme in my ignorance of humane nature; slight breezes may ruffle it, and unseene rocks may give a shock to the little shipp: haply the mariner will learn to steer his course, and not feare shipwreck from every accident."

Here is a pretty picture of Lord Willoughby's departure from home:—

"My deare lord set forth at a little past six, with only one serving-man, who had a led horse and one to carry the baggage. After they had rode some way, they stopp'd, and my lord dismounted, and taking a short cut thro' the park, came up to the window where I had remain'd to watch his departure; he bade me call the steward, gave him some directions, then telling me to keep up a good heart, took another tender leave, and followed by Armstrong, returned to the spot where were the horses; and he mounting the led horse they were soon out of sight. Old Britton seemed to understand he was not to follow his master, and came and reared himself up to the window, resting his fore-paws on the stone: I patted his broad head, and questioned not that he felt as I did, that his best friend was gone: tooke a few turns with him on the terrace; the mist cleared off the distant woods and fields, and I plainly discern'd the towers of Framlingham Castle, and could heare the pleasant sound of the scythe cutting through the thick grass in the fields nearest, and the cuckoo as she fled slowly from hedge to hedge."

Young mothers and housewives will sympathise with the two next extracts:—

"And now that I am a mother it behoveth me still more to maintaine the worke of inward self-discipline. Even at my little child's tender age, he is sensibly affected by the feelings apparent in the faces of those around him: yesterday it happened as I nursed him, that being vexed by some trifling matters that were not done as I had desired, the disturbed expression of my countenance so distressed him that he uttered a complaining cry; made happy by a smile and the more serene aspect that affection called forth, he nestled his little face again in my bosom, and did soon fall asleep. It doth seeme a trifling thing to note, but it teacheth the necessity of watchfulnesse. * * *

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"Busy in the still-room this forenoon: put the dried rose leaves in paper bags. Alice was picking the rosemary and I sat down to help her. She says the under house-maid complains of ill treatment, particulars not worth writing of, her pretty face gains too much of the good-will of the men and the ill-will of the women: mentioned the matter to the chaplain, who saith he will add a few words of suitable exhortation at the conclusion of evening service. Bade Alice take heed there should be a good store of chamomile-flowers and poppy-heads, and of mint water; our poore neighbours look to us for such, gave her my mother's recipe for Hungary water and the conserve of hips.

"John took the yarn to the weaver's, and brought back flax, spices, and sugar. The stage waggon had not arrived when he left Ipswich, and there was no package from London. My lord was to send hangings for the large drawing room; but it matters not."

This imaginary Diary professes to be written by the wife of Lord Willoughby of Parham, the fifth baron of that now extinct title. Lord Willoughby was one of the peers who joined the commonwealth party. His duties in parliament, and afterwards with the army, in which he held command together with Hampden and Cromwell, called him much away from home; and his occasional returns are the subject of many pleasant passages, for which we regret our inability to find room.

Lord Willoughby, with others, afterwards fell into odium with the popular party, was impeached, and committed to the Tower. His wife follows him to London, and visits the House of Lords:—

"This being a day whereon the parliament sate not, the Lord Gray and Henry Willoughby, a young kinsman of my husband's, tooke mee too see some tapestrie hangings in the house of Peeres. A portrait of Sir Ambrose Willoughby is work'd therein, who was uncle to the late lord, and grandfather to Henry. They did persuade mee to be carried in a sedan-chaire; I was well pleased to get out againe, being much discomfitted by the jolting. After some examination we discovered the portraite, on the border under the armes of the lord high admiral; it is of oval shape, a gorget of plate armour over his doublet, and a picked beard and mustachoe, like to those now worne. He was in command of a ship against the Armada. I was faine to aske whereabout my deare husband had heretofore sate, but when the thought arose, that the next time he would enter that house, it would be as a prisoner to be tried by men, many of whom were his bitter enemies, I could scarce raise my voice; the Lord Gray suspecting wherefore I look'd around so wistfully, did kindly point out the place. * * *

"Wente downe in a coach to the parliament house, and sate therein the while Henry Willoughby did try to learne some newes. After waiting more than an houre, the Lord Say came out and inform'd mee a message had beene sent to them by the Commons that morning praying for further time to be allowed for bringing up the impeachment of the seven lords, which was granted. Hereupon I went backe to the Tower to tell my husband of this further delay; and it was agreed betweene us that it were well I should returne to Parham forthwith; and as Mistresse Gage did purpose to sett forth early in the forenoone to-morrow, and would goe by Hengham, and had offered to carry mee with her in her coach, it seemed too favourable an opportunitie to be miss'd, although it would make my departure sudden. Left the Tower before eight, the snow lying thick upon the street, and with sorrowful heart made preparation for setting forth home-wards. My deare husband maketh light of his situation, and strives to cheere mee, and persuade mee to take hope in the exertions now making by a few faithfull friends of influence in the house, who promise they will doe him what service they can to pacifie his adversaries, who are the more sharply bent against him. The chearfull and composed demeanour he did maintaine served for a time to lighten my forebodings, and the moment of parting came on a sudden, and I followed the guard downe the staires and under the archway as in a dreame; the door closed after mee; had I in truth left him, my dearest life, in that dark prison-house there alone to await his sentence? I knowe not howe I reach'd my lodging, some kind friend put mee into a coach and supported mee to my chamber."

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Lord Willoughby afterwards escaped to Holland, and joined the Prince of Wales; and a fragment of a letter announcing his safe arrival is the last passage of the Diary:—

"Deare Heart,

"After a toylsome passage we landed at Dunkirk; methought the voyage did too nearly picture my troubled and uncertaine life. I am well in health; the packet came safe to hand, and I was right glad of the pastie and wheaten-loaf, after having spent the night on deck, the victuals on board being ill to eat. The doublet worked by my sweete wife did greatly add to my comfort, as did divers other matters lovingly remembered by her for my use. Heretofore, though often separated, yet was I in the same countrie that did containe my little ones and her who is my soule's joy and consolation, the truest friend and counsellor that ever man had; now each wave carryd me onward to a strange land, and never did absence appear so unsupportable. Kisse our deare children for me."

The preceding extracts will have shown our readers that the interest of this Diary consists almost wholly in the charming development of the personal character of a high-bred lady in the seventeenth century, somewhat, though but slightly, modified by the circumstances of her time. The most effective portions, however, are uninfluenced by the accidents of the period, and present those natural feelings of a young mother and wife, which are common to all time, skilfully and touchingly portrayed. Hence the popularity of the work; and hence, too, would be raised some doubts in our mind whether this form of an old Diary had not been assumed for the sole purpose of drawing the portrait of its heroine, if we did not already know the work to be a fiction. In reading the Diary we are struck with the condensed and rather poetical interest which the character of Lady Willoughby excites, and are apt to think there are too many studied phrases of the lady to be quite genuine in a real commonplace book of this kind. There is an address of some few lines to the reader at the opening of the volume, informing him "that the style of printing and general appearance of this volume have been adopted, as will be inferred from the date on the title-page, merely to be in accordance with the character of the work." Without this statement, the volume unperused and at first sight, with its handsome legible Dutch type (for the Dutch supplied us with type at that period), ornamental initials and headings of genuine and characteristic taste, ribbed paper, and appropriate binding, might easily be mistaken for one which had been recovered from Evelyn's library at Wotton, or Sydney's study at Penshurst. Notwithstanding its anachronisms, which we do not care to point out, it will be read with great pleasure; and most appropriately so, beneath the beeches of Knowle, the limes of Cobham Hall, or any other old mansion. C.

THE LITERATURE OF GERMANY, FROM ITS EARLIEST PERIOD TO THE PRESENT TIME, HISTORICALLY DEVELOPED. By F. L. Thimm. Nutt. 1844.

THIS little unpretending volume supplies a want long felt. Histories of German literature, from Franz Horn's sketches to Gervinus's elaborate, philosophical, but somewhat heavy work, have been numerous enough; a single volume containing the results of modern inquiry in a compact form, so as to answer the purposes of a book of reference as well as of a rapid *aperçu*, has never, we believe, been published till now. Mr Thimm's work is very useful to all readers of German, and is creditable to himself. We are quite willing to excuse in a foreigner certain latitudes of expression and certain inaccuracies of style, especially when the work bears such

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manifest evidence of very diligent labour of research. In a manual like the present we do not look for the graces of literature, but the solid merits of learning; and in the latter respect a more creditable little volume has not come within our cognizance. It is rich, too, in the bibliographical department; and a list of important works on the history of German literature is appended. L.

INTRODUCTION TO A SCIENTIFIC SYSTEM OF MYTHOLOGY. By K. O. Müller. Translated from the German by John Leitch. London. 1844.

ONE of the most valuable importations from German literature. The author is the celebrated Karl Otfried Müller, whose 'History of the Dorians,' 'History of Greek Literature,' and 'Dissertation on the Eumenides,' have already appeared in English, and found very general favour. This work will certainly increase his reputation here; it is a model of philosophical critical investigation, and one of the greatest contributions to historical science yet made. Müller has the immense advantage of not belonging to the mystical school of mythologists: a school which could hope for no favour on British ground, and deserved none. We can give no better description of his work than by referring to the article on 'Early Greek Legends,' which formerly appeared in our pages (No. LXXVII); that article was written in the spirit of Müller. The present work is fortunate in having fallen into the hands of one of the few really competent translators, who has executed his task in a manner worthy of high praise; he has indeed used a few expressions which are not classical in English: such as *determination* in the sense of *Bestimmung;* but we confess our inability always to furnish better. In spite of these half dozen words, to which purists may reasonably object, the translation is masterly. Should the work reach a second edition, we would suggest the propriety of an index.

L.

NOTICES, HISTORICAL AND ANTIQUARIAN, OF THE CASTLE AND PRIORY AT CASTLEACRE, IN THE COUNTY OF NORFOLK. By the Rev. J. H. Bloom, B.A., Vicar of Castleacre, and Chaplain in Ordinary to his Royal Highness the Duke of Sussex. With Twenty-three Illustrations, by Sly, Vizetelly, and Ninham, from original Drawings by Mr Charles Wright. London: Pelham Richardson, 23 Cornhill. 1843.

MR HALLAM, remarking on the difficulties of obtaining correct data for economical and statistical history, adds in a note—

"Sir F. Eden, whose table of priories, though capable of some improvement, is perhaps the best that has appeared, would, I think, have acted better, by omitting all references to mere historians, and relying entirely on regular documents. I do not, however, include local histories, such as the 'Annals of Dunstaple,' when they record the market prices of their neighbourhood, in respect of which the book last-mentioned is almost in the nature of a register."—*Middle Ages*, vol. ii, p. 268 —*note.*

One of the most valuable of these local histories is Sir John Cullum's 'History of the Parish of Hawsted in Suffolk,' in which he united the characters of rector and lord of the manor. The manor having been in his family for several centuries, he was enabled to publish some exceedingly valuable information as to the cultivation of the land, the nature and prices of its produce, the proportions of pasture and arable, the relative prices of food and labour, the nature of the labourer's food, the rent of land, with the proportion it bore at different periods to the gross produce, &c., taken from the bailiff's accounts, extending as far back as the early part of the thirteenth century. We confess we had hoped to find in the

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'History of Castleacre' some further information of an equally valuable nature; but we have been disappointed. The work is almost entirely occupied with the discussion of architectural antiquities, of which, both in the baronial and ecclesiastical styles, Castleacre, it seems, affords some specimens, which, however inferior in importance to the relics in the shape of account-books or registers of expenses, whether of the castle or of the priory, will be found very interesting, particularly to those who are engaged in the study of the ecclesiastical architecture of the middle ages.

Among the domains granted by William the Norman to William de Warrenne, created Earl of Surrey, was the district known under the name of Acra, or Acre, in the county of Norfolk, comprising three parishes. The largest of these was called simply Acre, or more particularly Est-Acre; the others West-Acre and South-Acre, according to their relative positions. In Acre, or Est-Acre, De Warrene erected one of those huge castles by which the Normans sought to consolidate their power in England; and as the castle was the symbol and safeguard of the Norman baron's power, by way of signalizing his piety likewise, and as a sort of symbol of that, he founded a priory almost under the walls of his strong and lordly castle. Of the castle nothing remains except the circumvallation of the earthworks, comprehending an area somewhat exceeding eighteen acres in extent; and a gateway (of which there is a drawing in Mr Bloom's work) at the top of the principal street of the village, of which, observes Mr Bloom,—

"It forms a curious, and, for England, an unusual, feature. It gives the air of a small continental, with its *haute* and *basse*, ville; and the picturesque effect produced by this lingering remnant of feudal importance may be inferred from the accompanying faithful illustration, which shows the steep descent of the street as seen through the archway of the gate."—P. 103.

Of the priory (founded in 1084, as appears from a curious inscription, given at p. 125) there exists much more complete and interesting remains, of which numerous illustrations, etched by Sly, Vizetelly, and Ninham, from original drawings by Mr Charles Wright, accompany Mr Bloom's work.

In reference to the present name, Castleacre, Mr Bloom observes:—

"It was not until the castle began to decline from its proud pre-eminence that the modern parish gradually encroached upon its courts; and no sooner was the stronghold fairly abandoned than the work of demolition began, and cottages arose within the very penetralia of ballium and barbican. Thence it acquired, and has ever since retained, the distinctive name of Castleacre.

"The subsequent suppression of the priory, and its consequent desertion, opened another quarry of ample material for the building enterprises of the increasing parish; and there is abundant evidence to show that they were resorted to without much delicacy or misgiving either as to quantity or quality. In short, almost all the dwellings erected prior to within the last twenty or thirty years consist wholly of material supplied from the adjacent ruins, and bear the stamp of a singular and peculiar character. It is mainly owing to this circumstance, that the parish presents to the eye of the traveller a quaintness of appearance of unusual occurrence in our rural districts.

"There are three principal manors, carrying fine arbitrary, and distinguished as the Prior's, Arundel's, and the Earl's, from their former possessors; but with the dry details of these it is not our intention to weary the reader, as there is no remarkable tenure connected with any of them which can merit particular notice."—P. 305.

If Mr Bloom could have furnished his readers with a few of what he calls these "dry details," his book would have possessed a very different value.

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We now come to that feature in the history of Castleacre, before which all the others sink into insignificance :—

"It has been the fashion to single out the parish of Castleacre as the most conspicuous in point of demoralisation and general depravity within the circuit of many miles, and until within the last few years there has been, we fear, but too strong ground for the conclusion; but then it is only justice to indicate the main source of this evil, and the still-existing obstacle to its effectual eradication. It is simply this: a custom has for many years prevailed in the place, and been encouraged by the occupiers in adjacent parishes, to farm out the work necessary to be done on their respective lands to one or two individuals, who shall provide hands to accomplish it in the best manner and on the most reasonable terms. These parties are termed *gang* masters, and a very significant term it is, for surely no gang of wretched slaves beneath the sweltering sun of the tropics could materially fall beneath the generality of persons thus assembled together in intellectual debasement and moral depravity. The gang-masters, anxious to reap as much advantage to themselves as possible from their bargain with their employers, seek about in all directions for idle hands, to execute their work on the cheapest terms they can procure them at. What is the result? Vagrants—the very scum and refuse of the county jails—homeless, houseless wanderers, with perhaps the brand of infamy upon them—if passing within the neighbourhood, can and have obtained employment for a week, a fortnight, or it may be only a few days, without question or hindrance. Short as their time of service might prove, it has been sufficient to inoculate the place, in the congenial hotbed of the alehouse, with the virus of depravity, vice, and cunning, which these masters of their art import from their former haunts and occupations, and having sown the seed of mischief, they pass on and give place to another batch of worthies of similar stamp. Such *has been* the case, and we rejoice to hope that we may speak of this evil in some degree in the past tense;—the gang-masters have latterly become somewhat more cautious in their selection of hands. But the system itself is altogether bad—debasing to the parties employed, and injurious to the native labourers in the parish—and nothing short of its entire abolition can secure results permanently beneficial to the social improvement of the community. Until this is effected, other means of elevating the moral character of the humbler classes will experience but partial success; and yet such means are in diligent operation, and hitherto with happy and palpable advantage. A large national school is daily endeavouring to counteract the pernicious influence of the gangs upon the rising generation; a clothing society invites those of maturer age to reap the advantage of frugality and prudent forethought; and benefit clubs—the lingering apologies of the ancient guilds—still exist amongst us, though of questionable utility. Perseverance in these means and similar expedients may do much; but unless the blow is struck at *the root* of the mischief, we apprehend no very solid advantage will ever be gained in undermining the stronghold of depravity. If the occupiers who continue to uphold the system would one and all combine in the exercise of the moral courage necessary to forego the singular advantages they obtain from its encouragement,—

'Ay,—*there's* the rub,'—

we are persuaded they would eventually reap a rich harvest of satisfaction from their determination."—Pp. 307, 309.

As to the nature and effects of this gang system, some very valuable evidence will be found in Mr Denison's 'Report in 1843 to the Poor-law Commissioners on the Employment of Women and Children in Agriculture;' but as we consider it a subject of far too vast importance to be mixed up with the rubbish of architectural antiquities, we must return to it on some other occasion. B.

REMARKS ON MR MACGREGOR'S FOURTEENTH REPORT TO HER MAJESTY'S COUNCIL FOR TRADE. By T. J. Smith. Oporto.

THE numerous misrepresentations of this pamphlet appear to have originated in a feeling of personal hostility towards Mr Macgregor, from the

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part he took in resisting the renewal, *de facto*, of the Methuen treaty. It was proposed to reduce the wines of Portugal and Madeira to 3s. 6d. per gallon, while we retained a duty of 6s. 6d. per gallon upon the wines of France. This would have occasioned a loss to the revenue of 300,000*l.* per annum, have added another impediment to the obstacles already existing to a commercial treaty with France, and have put large sums into the pockets of Mr Smith and other wine dealers, without any commensurate benefit to the public.

MUSIC.

A Sequential System of Musical Notation. By A. Wallbridge. Simpkin and Marshall.

The Better Land. By John Abel, Esq. Chappel, New Bond street.

A musical and a somewhat ambitious adaptation of Mrs Hemans's beautiful song, the 'Better Land,' with both the original words and a German version; the latter an appeal, we presume, on the part of the author to a more scientific public, better able to appreciate the merits of an elaborate and learned composition, than the musical world of England.

The work is one redundant in proofs of musical scholarship—a fact upon which we would not, with the critic of the 'Atlas,' throw any doubt because of an occasional violation of rule or precedent in the introduction of a chord not usually employed. There is a wide difference between carelessness in composition and intentional departure from rule. In the present case every change in the modulation or novelty in the harmony is obviously the result of study: the object has been variety and appropriateness of expression, not perhaps always attained, for we notice too much skipping of octaves for the gravity of the sentiment, but nothing would have been gained by a more rigid attention to points of grammatical pedantry.

The fault we should find with the composition is not that it has too little learning, but too much. It has great originality and beauty, but not the originality and beauty of simplicity, and is not therefore so much in keeping as we could wish with the character of the subject, a dialogue upon futurity between a mother and a child. The accompaniment is of difficult execution, and with its innumerable accidentals not very easily read. Many professors who like their pupils to overcome puzzles will consider this a merit. A great part of the composition is in G flat, which might have been written in the more familiar key of F natural, for if the first movement had commenced a tone lower the key would have been equally well adapted for the voice. This, however, would have been no improvement in the estimation of clever pianists. To have changed the key would have given a less favourable opportunity for the display of first-rate musical acquirements.

PAMPHLETS.

Introduction to the Second Edition of the Highlands of Æthiopia. By Major Cornwallis Harris.

A reply chiefly to the remarks of one of our own contributors; but confined for the most part to the immaterial points at issue.

Report of the Committee of the Loyal National Repeal Association, to whom it was referred to consider the Papers relating to Scinde.

How can the Church educate the People? The question considered with reference to the Incorporation and Endowment of Colleges for the

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Middle and Lower Classes of Society. In a Letter addressed to the Lord Archbishop of Canterbury. By a Member of the National Society. Francis and John Rivington, St Paul's churchyard.

Thoughts on Slavery and Cheap Sugar. A Letter to the Members and Friends of the British and Foreign Anti-Slavery Society. By James Ewing Ritchie. Aylott and Jones, 8 Paternoster row.

On the Advantages of a Triform System of Colonization in South Africa. By Edward King. Longman, Brown, and Green.

The Ministry and the Sugar Duties. J. Murray, Albemarle street.

A View of Sir Charles Metcalfe's Government of Canada. By a Member of the Provincial Parliament. Smith, Elder, and Co., Cornhill.

The Naval Forces of France compared to those of England. By his Royal Highness the Prince de Joinville, Admiral of the Fleet. Translated from the French by B. H. Beedham. Printed by W. E. Painter, 342 Strand.

The Church Advancing; a Popular Address to Roman Catholics on the Present encouraging Aspect of Affairs. Edited by J. Wakeham. Aylott and Jones, Paternoster row.

The Independents. By W. Davis, Minister of the Croft Chapel, Hastings. J. Snow, Paternoster row.

Observations on the necessity of a Legislative Measure for the Protection and Superintendence of Endowed Public Charities. By James Hine, Esq. Vacher and Sons, 29 Parliament street.

The British Churchman. Part VIII: Vol. I. Smith, Elder, and Co. Cornhill.

POETRY AND THE DRAMA.

Poems. By Elizabeth Barrett. Moxon.

The poems of Elizabeth Barrett are of the highest order of excellence. We shall take an early opportunity of noticing them at length, with some other works of merit in the following list.

Illustrations of the Tragedies of Sophocles. By F. F. Boyes, M.A. Whittaker and Co.

British Blessings. By a Layman. G. W. Nickisson, 215 Regent street.

Poetry of Common Life. Preface by Dr Arnold. Samuel Clarke, 13 Pallmall East.

The Psychologist. By Frederick S. Thomas. W. H. Dalton, Cockspur street.

Poems of Rural Life in the Dorset Dialect. By H. Barnes. J. Russell Smith, London.

The Court at Ravenna. A Comedy. By the Author of the 'Robbers' Cave.' G. W. Nickisson, 215 Regent street.

C. Knight's Library Edition of Shakspere. Vol. II. Tragedies. C. Knight and Co., Ludgate hill.

The Poetry of Real Life. By Henry Ellison. J. Lee, 440 West Strand.

Poems. By Coventry Patmore. Edward Moxon, Dover street.

Walks in the Country. By Lord Leigh. Edward Moxon, Dover street.

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ILLUSTRATIONS OF THE TRAGEDIES OF ÆSCHYLUS AND SOPHOCLES, from the Greek, Latin, and English Poets; with an Introductory Essay. By J. F. Boyes, M.A., St John's College, Oxford. 1844.

QUINTUS FIXLEIN, one of Jean Paul's quaintest heroes, having occupied himself with drawing up a laborious collection of *errata* in various books, says in his preface, that from these *errata* philosophical conclusions are to be drawn—and advises the reader to draw them! Mr Boyes might certainly imitate Quintus Fixlein in this piece of advice; with the advantage of its being more easily followed. His work is really capable of affording very philosophical conclusions which it is in the power of all persons to draw for themselves. Indeed few works have lately issued from the press which afford ampler materials for philosophical and philological investigation.

This is his plan: he takes the plays of Æschylus and Sophocles one by one, and proceeds to transfer to his pages every remarkable expression, every simile or sentiment for which he can find parallels in the English poets, adding also a few from the Greek and Latin poets. *E.g.* 'Seven against Thebes,' v. 940:—

παισθεὶς ἔπαισας

"'*Victa* tamen vinces.'—OVID: *Fasti* i, 523.

"'Both *stricken stryke*, and *beaten* both doe *beat*.'—SPENSER: *Fairy Queen*, i, 5, 7.

"'*Chidden* and he *chides* again.'—WORDSWORTH: *River Duddon*.

His object is not to rob English poets of their due by accusing them of plagiarism, but to show how the same expressions, the same sentiments, the same metaphors, and even the same *bulls*, so to speak, are current through all literature; and indeed may be said to rise spontaneously. One remarkable coincidence is the coincidence of false metaphors. Many instances occur in Mr Boyes's quotations. For example, the passage in the Œdipus Coloneus, v. 136—

φωνῆ γὰρ ὁρῶ τὸ φατιζόμενον—

puzzles commentators and critics. Mr Boyes has settled the dispute by two similar expressions in English poetry:—

"'Oh father! father! I am sure you're here
Because I see your voice.'—DRYDEN: *King Arthur*, act i, sc. 1.

"'My negligent judge *only hears with her eye*.'—PRIOR: *Case Stated*.

It is indeed an instance of the transition of one sense to the other which is common to all early poetry. Only when the language becomes fixed and the readers critical are such expressions objected to. The Greek poets abound in them, as—

ὀδμὴ βροτείων αἱμάτων μὲ προσγελᾷ—κτυπον δεδορκα—παιὰν δὲ λάμπει. κ.τ.λ.

A more accurate knowledge of the genius of early poetry would prevent much of the recklessness with which commentators take upon themselves to alter, indeed often to rewrite, the text of ancient poems. Bentley's experiments on Milton are not more ludicrous than many of the new readings constantly proposed by editors of Greek plays. In default of the necessary knowledge, Mr Boyes's book will furnish valuable materials. No one should undertake to edit a Greek play without having previously mastered the contents of this work; in all ways it will be useful. But not only to scholars will this book be useful; to all readers of the Greek plays, to all critics, to all students of poetry it furnishes materials, as we said, for very philosophical conclusions. Besides, the pleasure of tracing

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these similarities of expression is very great when following in the track of so able a conductor. Paltry as is the endeavour to decry moderns by adducing the supposed originals of their best passages, there are few things more agreeable than tracing the coincidences of genius; and Mr Boyes has done this in a style hitherto, we believe, unrivalled for its amplitude. His reading is extensive; his memory prodigious. The mass of authors here quoted contains many names whom it is erudition to have dipped into; yet he seems familiarly acquainted with them. Our old dramatists, the obscurest authors, and the dullest plays, no less than Shakspeare, Jonson, Fletcher, Spenser, Byron, Wordsworth, and Shelley, are all apparently at his fingers' ends. Here is a specimen taken at random:

"γυναῖκα τ' οὐ γυναῖκα.—*Soph. Œdip.*

"This form does not occur at all in Æschylus.

"The 'funera *ne funera*' of Catullus has frequently been quoted—

"'Detexit *ventus* villam, quid verbis opus est?
Non ventus fuit sed Alcumena Euripidi.'—PLAUT. *Rud.* i, 1.

"It was used by our early poets—

"'Until he came unto *another gate*,
No gate, but like to one.'—*Fairy Queen*, b. ii, c. 12.

"'A knight, no knight at all perdie.'—*Ibid.* b. iii, c. 10.

"'It was to meet a *wild and salvage man*,
Yet was *no man*, but only like in shape.'—*Ibid.* b. iv, c. 7.

"'Oh tears, no tears.'—SIDNEY'S *Astrophel.*

"In Kyd's 'Spanish Tragedy,' act. iii, occurs the passage here ridiculed by Jonson:—

"'Indeed here are a number of fine speeches in this book—"*Oh eyes, no eyes*, but fountains fraught with tears;" "*Oh life, no life*, but lively form of death." Another, "*Oh world, no world*, but mass of public wrongs."'—*Every Man in his Humour*, act i, sc. 5.

"Similar passages occur in Tomkin's 'Albumazar,' act ii, sc. 2; Cartwright's 'Ordinary,' act iii, sc. 5; Shirley's 'Love in a Maze,' act iv, sc. 3."

Here is a blaze of erudition! Remember, moreover, that these passages are all *bonâ fide*; all at first hand and with distinct references; not taken from glossaries and dictionaries, but from genuine reading; and that the author has "intentionally omitted" some of the "more familiar illustrations." In good sooth we know not which to admire most in Mr Boyes's book: the extent of its erudition, the use of its erudition, or the merit of its plan. G. H. L.

GRISELDA. A Dramatic Poem. Translated from the German of Frederick Halm. By Q. E. D.

WE have not read this poem in the German, but there is internal evidence in the unpretending simplicity of the translation that the sense has been rendered as far as it has been seen, and that no attempt to make a display in fine English has interfered with fidelity to the author's text.

The plot goes so far with the well-known story of 'Griselda,' that we have the marrying of the knight with the peasant girl, and the trial of her love, by himself, afterwards. "Sir Perceval," the hero, thus lays down the law of love at beginning:—

"Wouldst thou paint woman from the life, as heaven
Hath formed her for our comfort's sake alone,

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Place her before her wheel; then raise her eyes,
In pious musing, to the clear blue heavens,
And lay an infant on her swelling breast:
Whatever goes beyond is worse than useless."

It is possible the wife chosen by Sir Perceval would have felt no disposition to dissent at the moment; but after he has proceeded to place her not only before but upon the wheel, and rack her by depriving her of her infant, with other needless tortures (the joint device of ignorant ridicule on the one hand, and irritated vanity on the other), all of which she bears with a brave patience, while she remains unconscious of the source; when the traitor is discovered, instead of taking him back, "as if nothing had happened," she disowns him. The death of her trust is followed by the renunciation of her love. The story is well put together; the old beginning joining, most fitly, to the new end.

We would encourage the translator to make fresh efforts, and to aspire to the farther capability of combining richness of language with integrity to the sense—and where an idiom necessitates an idiom to be careful as to appropriate selection. As an instance of how a supposed faithful translation may yet be an untrue one, the introduction of "Old Bogie" in a serious scene, would astonish the author as much as it does the reader. The word in the original (whatever it be) cannot have the same associations for the Germans as this has with us—obsolete even in a nursery story-book.

A. S.

The New Spirit of the Age. Second Edition. With Introductory Comments upon certain Criticisms that have appeared on the Work. By R. H. Horne. Smith and Elder.

Some of our readers may possibly have noticed that in the advertisements of the new edition of the above work have appeared the following quotations:—

"A man of talent, a man of industry, Mr Horne is, but assuredly not a man of genius."—*Westminster Review*, 1844.

"Mr Horne is a man of the most unquestionable genius."—*Westminster Review*, 1842.

The quotations are incomplete: the publishers should have added the following:—

"It is the moon, I ken her Horne."—*Shakspeare*, 1600.

This is the first instance we have met with of a literary man of some ability adopting the strange expedient of proclaiming through the medium of advertisements his sensitiveness to criticism. It appears of moment to Mr Horne that those who doubt the fact of his genius should be exposed as self-contradictory, and therefore untrustworthy authorities; and he takes this method of showing that he has a genius—an original one—for advertising. For the rest the public did not require to be told that different writers in the 'Westminster Review' have often expressed different opinions upon various open questions; the genius of Mr Horne among the number. The 'Westminster Review' puts forward no pretensions to infallibility of judgment, nor even to absolute uniformity of sentiment. The course it endeavours to steer is one favourable to all public objects that may be advanced by free discussion, independent of political parties and literary coteries. We are quite aware that in frequent instances we have contradicted ourselves, and it may please us to do so again and again. In publishing papers entitled to attention it is not required in this Review that the writer shall expunge every expression that may appear inconsistent with the views of some former contributor.

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In reference, however, to the article which appeared in January 1842, it should be stated that the words (page 76), "Mr Horne is a man of the most unquestionable genius," were merely incidental to an argument that a man may have "poetry and passion in a high degree," and yet, like Mr Horne, not produce an actable play. The character of Mr Horne's genius was not under discussion; nor were his works the subject of criticism: the article was entitled 'Authors and Managers.' Mr Horne thinks it cruel that the 'Westminster Review' should first give a "position" and then take it away. Let him comfort himself with our assurance that we have no power of the kind. True genius creates its own position. No man need fear criticism. Works of real merit will always survive it. The pen by which an author can be written down must be his own. H.

RELIGION.

LIVES OF THE ENGLISH SAINTS: ST AUGUSTINE OF CANTERBURY, AND HERMIT SAINTS. James Toovey, 36 St James's street.

THERE is much edification to be derived from these curious biographies. When the series is somewhat more advanced we will endeavour to point out wherein they are profitable for doctrine, exhortation, and reproof.

Ward's Standard Divinity. No. I. Polhill's Works. Thomas Ward and Co., Paternoster row.

The Gospel before the Age. Montgomery. Francis Baisler, 124 Oxford street.

The Seven Penitential Psalms. By M. Montague. J. Hatchard and Son, Piccadilly.

A Translation of Griesbach's New Testament. Second Edition. Edward

The New Testament of our Lord and Saviour Jesus Christ. No. I. J. Russell Smith, 4 Old Compton street, Soho.

The Day Hours of the Church with the Gregorian Tones. Part I. James Toovey, 36 St James's street.

THE IDEAL OF A CHRISTIAN CHURCH. By the Rev. W. G. Ward. J. Toovey, 36 St James's street.

LECTURES ON CERTAIN HIGH CHURCH PRINCIPLES, COMMONLY DESIGNATED BY THE TERM PUSEYISM. By Thomas Madge. London: Longman, Brown, and Co. 1844.

PUSEYISM, Tractarianism, or Anglo-Catholic Churchism, is not put down by prohibiting Dr Pusey to preach for some time in St Mary's Church, Oxford, because he preached a sermon there substantially advocating transubstantiation; nor by the gentle wish, most tenderly expressed, of the Bishop of Oxford, that the publication of the tracts should cease, after Mr Newman had, in Number 90, attempted to prove that the articles of the Church of England modified, but did not oppose nor condemn, the doctrines of the Church of Rome. In much which the Puseyites had done to prepare their way for a bolder flight, there was something too grateful to episcopal taste to meet with a stern rebuff. Their charges to their clergy showed that the bishops were a little frightened at, but upon the whole very much pleased with, the efforts to exalt their own powers and claims; and with the policy of attempting to place themselves and their subordinates on a pinnacle,—the objects of lay submission and reverence. Nor did some of these mitred heads disdain to express their decided prefer-

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ence of the white surplice over the black gown, and to countenance, or at least not condemn, the revival of the observances which some reverend rubric or canon enjoined, and by which, gradually, a conformity to the mummeries of Roman worship was to be ultimately established.

There is nothing new under the sun, and Puseyism is not only no exception to this adage of the wise King of Israel, but it disclaims all approaches to novelty; lays no claim to advance to any enlightened and newly-developed process for the promotion of human improvement and human happiness. It presumes that all that could be done for these purposes was done, not when Jesus taught and confirmed, and the Apostles promulgated his religion, but when two, three, or more centuries of accumulative tradition had moulded the new birth into shape, and brought into due prominence doctrines and observances which Jesus and his Apostles, if they knew them, veiled and concealed. Puseyism hates the reformation in which Protestants glory, and while struggling to make a thorough change from the decent but somewhat dull performance of religious worship prevailing in the national Church, it avows a wish only to revive what negligence or impiety had suffered to fall into disuse. To the brightest period and the brightest names which adorned the Anglican Church, in the days of Charles I, it looks with indiscriminate admiration, and thinks that nothing can be bright in the future, but as the refulgence of the past. All the Tractarians would canonize Archbishop Laud, and obey him as the meekest and most consistent follower of Jesus, successor to the Apostles, and martyr to his pious principles and projects. They would fain copy him devoutly in all the flummery of childish ceremony, half Jewish, half Pagan; in playing *bo-peep* with the sacred cup, pretending to see what could not be seen, and *hide-and-seek* with the consecrated bread, which they would *make believe* was turned into the actual body,—each bit into the whole body of Christ. By crossings and genuflexions, arraying themselves with robes of barbarous or classic names, feasting, fasting, and making many prayers, and perhaps looking forward to the pious privilege of cutting off ears, slitting noses, branding cheeks, putting in the pillory, and other salutary and similarly mild usages for the benefit of the refractory laity, they do most honour to the memory of their Anglican saint, by striving strictly to follow his admired course. Some of these men are learned, yet, with the infatuation which has seized them, or the spiritual pride which has blinded them, they admire and study most that erudition of the past, which is spurious, or mutilated, or forged, or interpolated. They confide implicitly in an expression or an epistle of Ignatius, which, it is probable, Ignatius never wrote. They gloat upon a passage of Barnabas or Clement, which contains phraseology never used till centuries after their death had introduced corruptions into the language and doctrines of the Christian Church. To be consistent they should admire the epistles of Phalaris as the most precious remains of classic lore. If we may credit common report, a triumph was at hand when all the labours of this Pusey school would have been crowned with success. Rumour says that if the unseasonable and temporary suspension of the chief priest of this renovated worship had not taken place, high mass would have been celebrated in many churches of Oxford soon after he had proclaimed in his late sermon the veritable doctrine and mystery of the Eucharist. How true the assertion of a bishop of this Church, that no man was ever made wiser by his learning! In learning, sacred and profane, they are far beyond the popular and evangelical section of their Church. In reasoning, they beat the cunning Jesuits. In piety, they are deeply devout. In moral decorum and outward bearing, strict and creditable. In good sense, honesty, fair dealing, sincerity, what are they? what can they be? What can prevent any unbiassed, competent judge confidently pronouncing,

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but the awful prohibition uttered nineteen centuries ago, and implicitly obeyed at the present time—"Judge no man; to his own master he standeth or falleth?"

But the fancies and follies of learned men would more naturally provoke a smile than a tear, if they were harmless, if they affected only themselves, their own condition, and their own feelings. Should these Tractarians succeed, what would be the condition of the people? What would be the effect of their success upon the moral, social, religious, and intellectual condition of England? All free inquiry upon matters of the deepest interest and importance to a large portion of the community would be instantly quashed. The right—the duty of private judgment would be regarded as a presumptuous sin. Unreserved confidence in the authority of the Church, *i. e.* of its priests, would be substituted for that wholesome distrust of the fallibility of human judgment of which these Puseyites are giving such palpable proofs. Persecution would commence afresh, and the sword of the magistrate would be at the ruthless command of the spiritual power. Dissent, which serves as a wholesome check upon the disposition to somnolency, natural to a well-fed national Church, would be suppressed. The Dissenting minister, whatever his learning, talents, character, qualification for his work, would be thrust out as an intruder, incompetent to discharge the duties on which the future happiness of the people is said to depend. An *index expurgatorius* would hang as an incubus over the activity of the press. Tyranny over mind would be established, and forms and lifeless ceremonies would usurp the place due only to a faithful discharge of our conscientious duty to God and man.

When any class labours to place the community in such a painful condition, men will not be wanting to expose the hollow ground on which the priestly structure of dominion over conscience is erected. They will examine and expose the large promises, high pretensions, arrogant assertions, and eager struggling for spiritual control, well concealed under the mark of zeal for the good of souls. Mr Madge has done good service in the cause of the people. This work on Puseyism (published before the new exposition of its doctrines by Mr Ward) is a faithful exposure of its true character, and a temperate but clear confutation of its claims. He attacks it with the sledge-hammer of fact, which, crashing against bold but unfounded assertions, makes havoc at every stroke.

The Tractarians have revived, from its deep sleep amongst sensible churchmen, the doctrine of the regular and unbroken descent of the bishops of their Church from Apostolic times; and maintain that in their ordination their bishops receive the gifts and powers of the Apostles, just as a son or grandson inherits the possessions of his paternal ancestor, and that no priest is qualified to officiate in holy things unless, in his measure, by ordination of a bishop so descended, he partakes of this pedigree. This is very aristocratic, and very good ground for authority, if it be as they say. But, alas! it has not the smallest foundation in truth or in fact. Inextricable confusion rests upon this succession in the first century. Whether Peter ever was at Rome is doubtful—who was his successor, if he were bishop there, is unknown, equal authority ascribing it to different persons. So the Apostolic succession fails, or is lost as soon as it starts. During the dark ages the pedigree is again bewildered, and at times comes through men who could fight but could not read. It must come to us through Rome, if it come at all; but Rome rejects as imposters and intruders the bishops of the English Church. A good name is better than great possessions, but that relates to a man's own name; his grandfather's goods and gifts would be more valuable to him than his name. Now, it must be confessed, with all their substantial advantages, our modern bishops cut but a sorry figure in

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the display of Apostolical GIFTS. The Apostles, of silver and gold had none; the English bishops in this respect have a goodly heritage. Of spiritual power the Apostles had a needful store; of this, few English bishops ever gave a single proof that they had a single particle. The Apostles were eye-witnesses of facts, and auditors of the great Teacher; the bishops of later date can only do what any other well-educated man can do—deal with the evidences and truths of Christianity as they appear in written records and in existing facts, and expound the WORD as it is to be understood by all the aids which learning can afford. Episcopal pretentions, then, are all moonshine, save and except, always, the worldly pelf and honour; for nothing can be more different than the office, the necessary qualifications, and the special duties of an apostle of Jesus, and of a right reverend lord spiritual or bishop assuming to be a successor of these simple, poor, but highly-gifted and privileged messengers of the only high priest of the Christian Church.

The Church in the New Testament means an assembly of Christians, choosing amongst themselves pastors or teachers, and exercising amongst the whole body—presbyters, bishops, and people—a mutual and common authority and influence. Early Christians used rooms, and we read of the church in their house; when temples were erected the building was called a church; but, to give a living power to the word, it now means the bishops and clergy. So that unreserved submission to the Church means implicit deference to the dicta of the clergy—not to Christ, not to the Apostles, but to their successors, whom greater light and more infallible certainty fit for the office of ghostly and unerring guides.

Whence came this light and knowledge more safe and clear? From tradition,—through the fathers of Apostolic times and of the second, third, and fourth centuries. By these we are told everything was set in an indisputable position, the true principles of interpretation were established, the doctrine and discipline of the church were fully developed, and the whole committed to the custody of the bishops and priests. A roving curiosity in early days led us to dip into these Delphic oracles of the Christian fane. Our irksome research was well repaid by the conviction that, if uniformity of opinion, which in dogmatical matters is about as valuable and important to human welfare as similarity of features, must nevertheless be preserved; the only chance of accomplishing this uniformity is by wholly disregarding the fathers, and confining the study exclusively to the documents of the Scriptures, to know what the Christian religion is and what it teaches. All the early fathers were unanimous in expecting the millennium as part of the development of the Christian scheme; and, as this millennium did not come in their time, nor in any subsequent age till the present time, and most probably never will come, in its literal fulfilment, those guides are blind. They believed in the possession of men's bodies by devils, and as these possessions are clearly proved to have been natural diseases, and no demoniacal agency, the fathers who so believed were superstitious as well as blind; and their mode of interpretation, carrying the allegorical to the extreme of absurdity, sets all regard to good sense at defiance. But they all chime together about heresy, about clerical power, about the authority of the bishops, and hence the warm attachment and reverence of the Catholic and the Puseyite Church. But this is no reason for men, unprejudiced and disinterested, to reverence the tissue of folly with which the ponderous tomes of the fathers are adorned or disgraced. Councils, which are lauded to the skies, make the matter worse. That of Nice confirms a doctrine of the person of Christ, which contradicts the opinion of the three first centuries. That of Ariminum, a few years later, more numerously attended, more truly a general council, sets the affair in a new position, and establishes the Arian scheme. The testimony of the fathers

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might have been of some value if we had them all free from villanous tampering, with what they wrote, by after scribes. The judicious policy adopted of destroying the works of all esteemed heretics has reduced what remains to the minimum of value. But the principle is true that burnt books, like dead men, tell no tales.

As it was in the beginning, it is now, and ever shall be, that when the clergy make a stir they cannot forget the reputation in former times of pious frauds—they cannot but hanker after the luxury of spiritual power. It is a mercy to mankind that there is out of the Church (though the laity and the legislature are for convenience sake allowed at times to be part and parcel of the Church)—above the clergy in the public there is a competency of good sense and learning to control their lust of dominion; and in the legislature there is a power which, while they have the gift of the loaves and fishes, they will wisely keep to restrain the inordinate desire to domineer over conscience, and to assume spiritual power over the fortunes, the mental liberty, and the personal security of the subjects of the realm.

V.

RELIGION AND POLITICS; OR, OUGHT RELIGIOUS MEN TO BE POLITICAL? By the Rev. Thomas Spencer, M.A. Green, Newgate street.

OF the Rev. Mr Spencer's tracts it has been well remarked, that if they are not all equally acceptable to the general reader, they are all well adapted for usefulness.

One can scarcely read the title of the tract now before us, without being reminded that something less than twenty-five years ago, when mechanics institutions were in course of foundation, it was an invariable rule in all such establishments to exclude religion and politics; and if in those days any speaker had ventured to suggest the impropriety of shutting out the two subjects which are paramount in importance to all others, and which, in fact, involve and include all others—the two subjects which, above all others, are deeply and permanently interesting to every human being, such speaker would have found it difficult to obtain a hearing.

Whether any good has arisen from the adoption of that rule, may well be doubted; one thing is pretty certain,—it has had a tendency to explode religion altogether in the minds of a large number of young men of the present day.

At any rate, "we live" in strange as well as "stirring times;" times which have given birth and maturity to a society which has "distributed fifteen millions of bibles and testaments," to teach a religion which, as a people, we corrupt, falsify, and pervert, despise and reject, and trample under foot.

But what is religion? Mr Spencer gives a better definition of it than that which he quotes from Dr Johnson:—

> "It is the atmosphere in which the just man lives; it speaks with his mouth; it writes with his pen; it smites with his hammer; it stands behind his counter; it presides over him at his desk, and in the social circle; it makes him eyes to the blind, feet to the lame, and instruction to the ignorant."

Yes, this is something like religion.

As the word imports, religion is a bond; the bond of union between heaven and earth; the bond of human brotherhood. Religion consists in the acknowledgment of God, by which man has conjunction with heaven; and obedience to the divine commands, by which he fulfils his duty to his neighbour, and is united to his brethren.

But politics, what are politics? Literally, many things, many matters, many affairs; the affairs of the many come, perhaps, as nearly as possible

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to the true idea; and with this idea in the mind is it irreverent to connect it with Him who "came not to be ministered unto, but to minister, and to give his life a ransom for *the many*"—the "good shepherd, who giveth his life for the sheep," that they might "have more abundantly life and abundance." Granted, that spiritual life and spiritual abundance are here intended; but the greater always includes the less. What is the conclusion? Ought religious men to be political? That is, ought they to care for the many, for the public weal, for the common good? Ought they to lead the public mind? to transact the public business? to conduct the affairs of the people? Ought? what does ought mean?—Owe it. Yes, it is a debt which every man owes, and which the religious man formally acknowledges; a debt which he owes to God and to his neighbour. By the great commandment, by relationship to God and to each other, by the common interest, all men are bound to the conservation of the common good; which can be effected only by every man's diligent and faithful discharge of his respective duties. O.

VOYAGES AND TRAVELS.

Johnstone's Travels in Southern Abyssinia. 2 vols. J. Madden and Co., Leadenhall street.

Rambles in Germany and Italy. By Mrs Shelley. 2 vols. Edward Moxon, Dover street.

The Library of Travel: being a Popular Description of Foreign Countries. Edited by W. K. Kelly. Parts I, II, III: Syria and the Holy Land. Chapman and Hall. 1844.

Recent political events will create a general desire to know more about the East, so that the 'Library of Travel' may count upon success; it may also count upon it for its own intrinsic excellence. Never was "information," the rage of the day, more amusingly conveyed; never were the results of voluminous works of travel more spiritedly condensed. The object of the 'Library of Travel' seems to be to preserve all the really valuable portions of the Tours, Sketches, Six Weeks' Residences, Rapid Rides, and very heavy volumes of "light" literature constantly issuing from the press; to correct one statement by another; to draw conclusions from compared facts; to paint a picture from scattered sketches. The execution is truly admirable. It reads like an original work instead of a compilation; being written with spirit, eloquence, and an eye for picturesque groupings. The moral, social, physical, political, and geographical features of the East are well brought out. The reader is at home with the Turk, the Arab, the Jew, the Druse, and the Maronite. He is introduced into the houses of the Turk, and made acquainted with his domestic concerns; into the tent of the nomadic Arabs, and tastes of their hospitality; to the grand and dreamy scenery of the East, till he becomes dreamy and indolent as its inhabitants, longs for a pipe, and has a sneaking desire for a turban. We are ourselves becoming decidedly oriental under Mr Kelly's magic wand; and could these happy, smoking, solemn Moslems be taught to cultivate a more attenuated relationship with dirt and fleas, could they be prevailed upon to admit reviews into their divans, we should be tempted to live amongst them in reality, as we now do in imagination; perhaps, fleas and dirt regarded, imagination is the pleasanter world.

In parting from Mr Kelly we would suggest to him the propriety of

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greater attention to the woodcuts. His book is profusely illustrated; but few plates and better would better please the purchaser. We have nothing but praise to bestow on the writing of the book; let us hope that we may say the same of the future illustrations. We may, in conclusion, inform the reader that each part of the 'Library of Travel' costs only eighteenpence. Cheap enough, certainly; perhaps too cheap to pay for good woodcuts. L.

THE MODERN SYRIANS; OR, NATIVE SOCIETY IN DAMASCUS, ALEPPO, AND THE MOUNTAINS OF THE DRUSES. Longman.

A VERY pleasant and unpretending account of Eastern manners and customs, town and country, city and desert. Bright-coloured flowing robes, barbarian weapons, courts of inlaid marbles, cool fountains, groves of oranges, citrons, and pomegranates, arabesque carvings, soft divans, Persian carpets—all the appliances of wealth, calling to mind the imagery of the 'Arabian Nights,' intermingled with muddy lanes, lined with all unclean things, skirting gardens of Paradise. Still, as of old, is human life uncertain in its tenure, from the violence of man to man; yet in the following paragraph may the sources of the violence be traced:—

"I had amused myself in the scrubbing bath in attempting to read the rank of the bathers in their features, but I was often wrong. A man whom I took to be a wealthy Ayan, from his noble and distinguished lineaments, on coming into the robing room put on the rays of a Fakir; while a clownish-looking fellow, on being dressed, turns out a sleek Effendi, with a Bassorah turban and a Cashmere girdle. An oriental bath is a levelling republic; a terrible canceller of those spurious patents of nobility, which *aisance* procures from the tailor and the mercer."

In England, unscrupulous intellect asserts its power to rule by the chicanery of law,—in the East, the medium is the sword; but in all cases the confusion arises from the appropriation of power by a lesser intellect to the exclusion of the greater. Peace and progress will ever be found to abound most in the countries where intellect takes its right position, as a consequence of its own free demonstration. It is a pleasant thing to reflect that wars are nearly at an end between civilized communities, and that the surplus energy of European fighting men is mostly applied to overawe barbarian nations. When we find steam vessels carrying Eastern troops, we may be sure that the reign of violence is drawing to a close. Steam and barbarism cannot exist together. The Druse energy and power of union, so well described in this volume, will find employment in the operations of commerce.

The process is going on, whereby natural characteristics, habits, and customs, will be worn away. Much that is picturesque will thus be lost; the peoples of the world will assimilate like worn coins; and such volumes as the work we have just perused will be the records of the things that were. We could wish that they were always illustrated, like our old Anglo-Saxon MSS., to prevent any misapprehension, like that of the Frenchman, "who furnished himself with his costume from the wardrobe of the theatre at Marseilles, and expected to look like a Moslem, but was pelted by the boys for his pains." We shall miss the distinctive national characteristics, but there will be the consolation, that individual characteristics will be more marked and more rational as the characteristics of classes and sects disappear. Few things are more ridiculous in their results than fashions which prescribe the same costume to all. The reader will be gratified with the perusal of this work. J. R.

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THE

WESTMINSTER REVIEW.

1. *A Bill for the more effectual Suppression of Local Disturbances and Dangerous Associations in Ireland.* February, 1833.
2. *Report from the Select Committee appointed to inquire into the State of the Colony of New Zealand, and into the Proceedings of the New Zealand Company.* July 1844.

ALTHOUGH the Statesman whose political career we now undertake to review has of late been little before the world in parliamentary debate, and is about to exchange the stir and bustle of the House of Commons for the still life of the Peerage, we much mistake if the appearance of the above-named Report do not draw upon him, during the approaching session, a large amount of that public notice which he has recently seemed rather to avoid. We would fain hope that it may fasten attention on that mischievous system by which, in this country, official duties the most important and responsible—affecting, in their performance or neglect, the well-being of millions—are entrusted to men of mere rhetorical talent, aristocratic birth, and party connexion, without regard to the presence or absence of knowledge, temper, discretion, industry, or other official aptitude.

Few public men of our time—prime ministers scarcely excepted—have been charged with weightier responsibilities, or actively engaged in a greater number and variety of political affairs of first-class importance, than LORD STANLEY. He has held successively two of our most important State Secretaryships; in each instance, during a critical period, with questions of the utmost urgency and magnitude pressing for a prompt solution—in each instance, with an overpowering parliamentary majority at his command, ready to register in the statute-book his individual convictions of the right and expedient. He has been

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charged with the reform of the greatest abuse known to the British empire—the Protestant church of Ireland; with the regeneration of the parliamentary constitution of Ireland; with the suppression of Irish disturbances, and the extinguishment of Irish discontents. It has been his fortune to be ruler of the British colonies, first, at a time when, in our West India Islands, the whole framework of society had to be taken to pieces and reconstructed; and when, in Canada, the accumulated grievances of a quarter of a century were calling for instant redress, with rebellion and civil war as the alternative; and again, at a period when, in the newest of our settlements, the most hopeful and promising experiment in colonization that modern times have seen, had to be aided and guided towards a successful result. He has twice held office in strong governments, and once been an influential leader of opposition against a weak one. Even his neutrality and inaction have been powerfully felt in the world of politics. He has not only led parties—he has held the balance between parties. Seldom has a public man possessed a larger share of real parliamentary power than that wielded by Lord Stanley, in the early part of the session of 1835, at the head of some half-dozen waverers, when a ministry and an opposition—each numbering their three hundred and more—waited to learn their fate from his lips. All things taken together, we may say that few statesmen have had larger powers and weightier duties, both in and out of office, than Lord Stanley. How he has acquitted himself of these—with what wisdom, discretion, temper, and conscientiousness—is a question in which the British people have a deep concern.

It is not as a renegade from Liberalism that we shall chiefly speak of Lord Stanley in these pages; we can hardly in fairness designate him a "recreant Whig," without considerable qualification. The family motto of the House of Derby—*sans changer*—is not so utterly and ridiculously inapplicable to the career of its present heir apparent as might seem on a first glance. Though he has changed his party name and party associations, and sits now in the same cabinet with the two greatest changelings of our time; though his recorded parliamentary opinions, on various topics, exhibit an ample share of that inconsistency and self-contradiction which so abound in the speeches of the Premier and the Home Secretary—still we can scarcely say that inconsistency is the most striking feature, the specific quality, of his public life. The Liberalism of his early years was of the mildest description—seldom went beyond the bounds of a cautious, aristocratic Whiggery—and was naturally satisfied, or more than satisfied, with the Reform Act. The spirit of his politics has

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undergone little change during the twenty years of his parliamentary career further than what might have been expected to take place in the mind of a proud young Whig lord, by way of reaction against the new powers evoked by the Reform agitation. And on that point, in particular, which was the turning point of his secession from the political associates of his youth, he may fairly challenge comparison with the most doggedly und crotchettily consistent public man of the age: it is curious that the first speech he made in parliament, on a political question (May 6, 1824), was in defence of the inviolableness of Irish Protestant church property. In one thing Lord Stanley clearly differs from the common herd of recreants and renegades. He always and everywhere believes most implicitly in his own consistency: we are quite sure that any such feeling as a doubt or misgiving on this score has not crossed his mind once these twenty years.

Lord Stanley's first essay in statesmanship was as Secretary for Ireland, in 1830. Seldom has any man entrusted with the destinies of that unhappy country had a fairer field and finer opportunities before him. The Emancipation Act of the year before had opened, or seemed to open, a new era in Irish history—had established a new principle in Irish politics—which it was the appropriate function of a Whig minister to work out to its natural results. The new Secretary was expressly marked out, by circumstances, to be the minister of a new policy—the policy of union and equality, as opposed to that of division and ascendancy. He was not bound down by old precedents which his own judgment and conscience disapproved: Whig government, with the Catholic Emancipation Act for its programme, was a novelty for Ireland, and had a right to make its own precedents. He had, as it were, a *tabulâ rasa*, on which he might inscribe what he would. He was not hindered in his work by that disabling parliamentary weakness under which the Irish Secretary of the Melbourne cabinet laboured. During the greater part of his administration of Irish affairs, Lord Stanley had not only a working, but an overwhelming majority. Men, arms, arms'-bills (in reason), money, schools, tithe bills, coercion bills—nothing was too much for parliament to give. Never had man larger powers for redressing all the political and ecclesiastical grievances of the Irish people, and putting their deep-rooted social maladies in train for gradual extinction. How did he use these powers?

First, in quarrelling with O'Connell; in "thwarting" O'Con-

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nell (as he boasts, with "high gratification," some years later *); in prosecuting O'Connell under an arbitrary, unconstitutional, and nearly expired act of a Tory government. No man has done more than Lord Stanley to produce that miserable state of things under which the quiet government of Ireland has become a difficulty verging on the impossible—to make all Irish politics a personal quarrel with O'Connell—to degrade British statesmanship, and dishonour imperial power, by waging a war (in which, by the way, British statesmanship and imperial power have as yet been invariably worsted) with an individual. He makes all Irish questions, whether of tithes, parliamentary reform, municipal reform, coercion, or registration, turn upon O'Connell —O'Connell's "influence," O'Connell's intentions, O'Connell's speeches at dinners, O'Connell's letters from Derrynane and Merrion square. And every Irish debate passes regularly into a parliamentary scene with O'Connell, and ends in a call for the good offices of the Speaker to sweeten the air of the House for the breathing of gentlemen.

It is but fair to add, that Lord Stanley was not by any means invariably the aggressor in those school-boy personalities, and his opponent used the roughest words. But in bitterness, unfairness, and reckless imputation, the Demagogue Agitator was seldom a match for the aristocratic Whig Secretary. It is a singularly disagreeable feature of Lord Stanley's senatorial squabbles with Mr O'Connell, that he timed the most virulent of his invectives when his adversary was in circumstances that would have taught a man of correct and delicate feeling to exercise a special degree of forbearance and self-command.† Not to hit a man when he is down is no item in Lord Stanley's code of honour; but rather, hit the harder, for the blow is more sure to tell. We have no wish needlessly to rake up anything so utterly valueless as the ashes of dead and buried House-of-Commons' quarrels but, unhappily, these things are not dead and buried; we have them, in their consequences, living with us to this hour. The termagant temper and tongue of the Whig Secretary for Ireland have done the empire a mischief, the end of which we have yet to see.

The Irish administration of Lord Stanley, during the two years and more that he held that post, combined, in an extraordinary degree, two opposite and seemingly incompatible faults—rigidity and impetuous passion. It had the cold pedantry of

* February 11, 1836.

† *E. g.*, February 28, 1831, "Mr O'Connell and the Irish Government;" and February 11, 1836, "Carlow Election."

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legality, and the fever-heat rashness of political partisanship and personal animosity. Ireland needed—as Ireland yet needs—a kind, conciliatory, good-natured government; a government more intent on doing substantial justice, and giving large and prompt redress of grievances, than on narrowly criticizing the legality or decorum of the language of popular complaint. Lord Stanley was harsh, sour, stiffly punctilious; would do nothing unless he was asked in a perfectly proper way; would redress no grievance, unless he could first get the people to bear it quietly, and complain gently. *A government to be loved, must first be feared,* was the programme of his policy,* "Vindicate" the law first, iniquitous and absurd though it be—make it "respected"—and then repeal it. Of course the tithe system must be put an end to—"extinguished" was the word—but he must first of all "break the neck of the obstinate and pertinacious resistance" to the exaction, and get all arrears paid up. No statesman was ever more thoroughly leavened than Lord Stanley, with the fatal heresy that nations are to be governed on what may be called the Attorney-at-law, or Plaintiff-and-Defendant principle. As one of his present colleagues has been said to take "a chief constable's view" of agricultural incendiarism, the Irish Secretary of those days took an attorney's view of political agitation. He did that which Burke pronounces "narrow and pedantic;" he "applied the ordinary ideas of criminal justice to a great public contest." He knew to a nicety what this accomplished political philosopher did not know—"the method of drawing up an indictment against a whole people." He chalked out the plan of a legal campaign against a nation of recusant tithe-payers, just as a man would give instructions to his solicitor to sue a roguish debtor on a protested bill of exchange.† It was necessary to do justice to Ireland, no doubt:

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* "I conceive it to be hopeless to attempt to remedy grievances, unless the majesty of the law be in the first instance asserted. No government can apply itself efficiently to the remedying of grievances, unless it also possess the power to make the laws respected. A government, to be loved, must first be feared."—*Address*, February 5, 1833.

† "Let but the law be rigidly applied against a solvent tenant who does not choose to pay his tithe, although he is perfectly able to pay, but who sets himself contumaciously in opposition to the law; if the law were once energetically made to bear against either the goods or the person of such a passive resistant, and, my word for it, the neck of the obstinate and pertinacious resistance now displayed will very easily and shortly be broken; and, having once subdued the solvent and more respectable class, their poorer neighbours, who have been led astray by their example, will soon be brought within the wholesome restraints of the law, and, by a speedy application of the provisions of this bill, a very beneficial and moral effect will

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but it was necessary first of all to "teach the people of Ireland a lesson," viz., that "they ought to appeal to the justice and not to the fears of England." Whatever they might think it right to concede, "their concession must not be considered the compliance of weakness with the demands of violence, but the generous sacrifice of power to the principle of justice; when concession was extorted by fear, it lost all its beneficial influence."* A more preposterously absurd principle could not be. Apply it to an extreme case—and Ireland, restless and discontented under the accumulated wrongs of seven centuries, is an extreme case—and redress of grievances becomes a sheer impossibility; the grievances themselves, while they last, will effectually forbid the growth of that respect for the law which is ridiculously made the condition preliminary of their removal. To make good government and wise legislation contingent on the moderation and temper of the victims of previous misgovernment; to adjourn the repeal of iniquitous laws, and the redress of detestable abuses, till it is quite clear that "the concession will be considered" by the people in the light most agreeable to the ruler's *amour propre*; to be so afraid of being thought afraid as to dole out justice in inverse proportion to the energy and importunity of complaint, is, of all conceivable maxims of government, the most dangerous and false.

With all this prudish legality, this pedantic stickling for constitutional etiquette, Lord Stanley's administration of Irish affairs was wofully deficient in the dignity, gravity, and steadiness of law. A more disastrous mixture of infirmity of purpose and temper with impracticable obstinacy has been seldom seen. Hot and hasty in speech and in act, he was continually committing himself to predictions which the event falsified, pledges which he was unable to redeem, boasts and menances which ended in smoke. "The Crown has vindicated the outraged law," he says, (in the prosecution of Mr O'Connell), "and by so doing has inspired the discontented with awe, and the well-affected with confidence; it has procured a verdict against Mr O'Connell; and it will, undoubtedly, call him up to receive judgment upon it:"† but Mr

be produced, and due subordination to authority will be restored and made secure."—*Tithes (Ireland)* April 6, 1832.

The beneficial and moral effect of this so rigid and energetic application of the law was, that some 12,000*l.* of tithe arrears were collected at a cost of 27,000*l.*—horse, foot, and artillery assisting, and barracks being converted into warehouses for agricultural produce. The next year the disappointed Secretary had to ask parliament for a loan of a million to keep the clergy from starving—which loan (as is the way with Lord Stanley's "loans") became eventually a gift out of the consolidated fund.

* March 30, 1832. † February 16, 1831.

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O'Connell, undoubtedly, never was called up to receive judgment upon it. He had not been in office three months, when, in most culpable disregard of all the warnings of Irish history, and ostentatious defiance of the earnest, almost supplicatory protest of Mr O'Connell, whom he treated with his usual petulant contempt, he called out and armed the Orange yeomanry for the conservation of the peace: "the government could rely with confidence on the zeal and discretion of the yeomanry."* The practical comment on this vote of confidence was the massacre of Newtownbarry, in which the zealous and discreet men killed seventeen persons without any very clear reason, and wounded a score more; and in the end, the confiding Secretary had the mortification of having to tell Parliament, that "since the affair at Newtownbarry, the Lord Lieutenant had directed that the issue of arms to the yeomanry should be suspended."† His abortive Arms'-Bill of the same year was another specimen of qualities of mind and temper which ought, at once and for ever, to have excluded its author from all part or lot in the government of Ireland. On the 2nd of July, he startled the house and horrified his own colleagues, by rising to bring in a bill—a *permanent* one it was to be—with a clause making the possession of unregistered arms, in a proclaimed district, a *transportable* offence; and bore down all resistance, with protestations of a "conscientious belief that the provisions of this bill would be found essential to the peace of Ireland." On the 8th, he withdrew this clause, and subsequently the whole measure was dropped. The fact afterwards turned out to be, that this transportation clause was inserted by him without consulting his colleagues—added, out of his own head, to the bill which his colleagues had revised and approved—a mere *extempore* spurt of caprice and self-will.

In the summer of 1832, Lord Stanley delivered himself in the following terms, as to the mischievousness, generally, of the system of governing by "new powers," and the extreme improbability, in particular, of any circumstances arising in Ireland to call for the use of that dangerous expedient:—

"I have lost no opportunity, and unhappily, since I have been connected with the government of Ireland, the state of that country has given me frequent opportunities of stating my determination, and that of the government to which I belong, to adhere, so long as it is at all likely to prove effective, to the ordinary administration of the law; and to repel that extraordinary application of the powers of government, which, however it may put down an evil at the

* February 21, 1831. † July 6, 1831.

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moment, is calculated ultimately to increase that evil tenfold, and which puts down a weed, to raise a stronger and more noxious produce from its root. I distinctly disavow any intention whatever, by word, act, or any idea entertained in my imagination, of introducing the Insurrection Act into Ireland. * * * I think that an inquiry into the immediate causes of these crimes (agrarian outrages), into the manner in which they are perpetrated, into the sort of offenders who commit them, and the mode in which they have before been put down, will be sufficient to show that the existing laws are fully adequate to extinguish these disturbances."—'State of Ircland, May 31, 1832.'

"The right honourable baronet has spoken of the state of Ireland. I will tell that right honourable baronet, and I defy him to gainsay it, that Ireland is in an infinitely better state than when I came into office. Aye, I repeat, that it is in every respect in a more peaceable and prosperous state than when the present ministry took on themselves the government. I say it, and the right honourable gentleman (Sir H. Hardinge) who was at the head of affairs in that country is present to hear it, that there is less danger to be apprehended from the people of Ireland at the present moment than when the government of that country was handed over to me."—'Russian-Dutch Loan, July 20, 1832.'

The early spring of the year following found the speaker of these distinct disavowals, emphatic protestations, and triumphant, defiant boasts, pushing through parliament a bill for the suppression of disturbances in Ireland, which he recommended to the legislature as "arbitrary and coercive" "arbitrary and violent in its character"—which he had taken particular pains to make arbitrary, coercive, and violent, even beyond the alleged necessities of the occasion, that no future ministry might dare to make a precedent of it. It would be hard to match, for mischievousness and absurdity (except from the speeches of certain of his colleagues in the business), the pleas by which the confessedly gratuitous extravagances of this measure were defended:—

"I will say that this bill comes particularly recommended to my mind, inasmuch as it is, so pointedly and so openly, such a marked deviation from the ordinary course of the law, that it will afford hereafter no temptation or justification in the way of a precedent to be resorted to upon another occasion. * * * I will say, that if we are to depart from the ordinary law of the land, that departure should be so broad, should be so marked, that there shall be no possibility of mistaking it. We should not, as it were, slide out of the constitution, and, by an easy transition, render our departure from it almost imperceptible, so that it may be made available as a precedent upon some future occasion. No! coming forward, as we do,

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with this measure, and grounding it upon the absolute, indispensable necessity of the case, a necessity that calls upon us to resort to powers beyond those afforded by the constitution, the more such a measure is at variance with the ordinary course of the law, the more, in my judgment, it will come recommended as the one which this house should adopt."—'Suppression of Disturbances Bill (Ireland), February 27, 1833.'

I. e., the bill was good, because it was so very bad. Its crowning excellence was its outrageous extravagance. Its special merit was, that it was perfectly detestable. It was a safe precedent to set, because it was too dangerous a one to be ever followed. It was particularly recommended to his judgment as a constitutional statesman, by its sinking the constitution altogether.

Whether the state of Ireland, in the spring of 1833, was such as to necessitate and justify the resort to new powers for the protection of life and property, is a question which there is no occasion now to consider. But nothing could justify the *animus* of this monstrous bill. In no possible or conceivable combination of circumstances could it be other than a shameful political immorality, to entrust large judicial powers to epauletted lads, qualified only by twenty-one years of age, and two years of military service—to make such functionaries judges (*inter alia*) of the law of libel—and to advertise a virtual impunity for any excesses of military insolence and brutality, by withdrawing all acts, matters and things done or to be done, legally or illegally, by soldiers or officers, from the jurisdiction of civil and criminal law.

Nothing could be of more baneful tendency than the vacillation of purpose, the general unreliableness, which pervaded every part of Lord Stanley's Irish administration. The Irish people never could tell where to have him. Tantalizing, large-seeming promises, which turned out to mean next to nothing, alternated with boastful threats which were never carried into effect. In February, 1832, he threw out, in his loose, off-hand way, a pledge on the part of the government to "direct its attention" to the "extinction of the present system of tithes." The words were eagerly caught up in Ireland; "extinction of tithes" was echoed from one end of the country to the other, as a new political gospel. It turned out, when the thing came to be explained, that the promised "extinction" only meant the perpetuity of the impost under a different form, together with a collection of all outstanding arrears, at the bayonet's point, "for the sake of the principle." The Secretary, it seems, meant to lay the emphasis, not on "*extinction*," but on "*present system*"—

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which made a prodigious difference. Unluckily, the Irish people had emphasized it on "*extinction;*" and thus a mere piece of ministerial carelessness produced all the irritating effects of an insulting breach of faith.

Next to the extinction of tithes, there was nothing on which the Irish people and their leaders had more set their hearts, than the appropriation of the superfluities of Protestant ecclesiastical property to educational or other popular uses. Great, accordingly, was the delight with which they hailed the 147th clause of the Irish Church Temporalities Bill of 1833; which appropriated "to such purposes as parliament shall hereafter appoint or direct"—one of the purposes specified by the authors of the measure being the promotion of education—a "surplus of monies" to be created by a compulsory conversion of church leasehold property into freehold. The principle of this appropriation clause was stated and defended by the Irish Secretary with a clearness and decision which could leave no possible doubt, but that the government in general, and himself in particular, were determined to carry it through:—

"What is the plan now proposed? It is that the land shall be valued at a certain corn-rent, and that neither the tenant nor the bishop shall be at liberty to refuse that valuation. But to whom is to belong the benefit of the increased value thus derived from the land? I would say, it ought to belong to the state. I say this without in any degree weakening the proposition that the property of the church should not be diverted to other purposes than those for which it has usually been applied. But why do I say that the value is to be given to the state? What is the value of church property? By the conditions which the state has annexed to it, it cannot be leased for a longer term than twenty-one years. Subject to this condition, if it be brought into the market, it brings a certain amount of purchase-money. But a new mode of dealing with it gives it an increased value. What right, then, I ask, has the church to claim that increased value, which it never had, and never could have, unless the state had passed an act to give it? It has no right; and the difference between the former value and the increased value may, I contend, be applied to secular purposes, or to any purpose that the state may direct, without any violation of the property of the church."*—'Reform of the Church of Ireland, February 12, 1833.'

This 147th clause was the very jewel of the bill, in the eyes

* The reader will observe, that this was the very principle of the Whig church-rate measure of 1837—viz., that the state has a right to step in between the church and its property, give an increased value to that property by enacting improved modes of management, and appropriate such increased value as its own. Yet this measure was strenuously opposed by Lord Stanley, on principle.

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both of Irish and English Liberals. It was the handful of leaven, leavening the whole measure with truth and justice—the grain of mustard-seed which, once sown in the statute-book, would grow up into a tree of life. It was enthusiastically welcomed by Mr O'Connell (who had been in close consultation with the government on some of the details of the bill), as recognising the principle of parliamentary appropriation of church property; and his interpretation was tacitly allowed by the cabinet to pass current as the true one. It was of great use to the government, who got both credit and votes on the strength of it. Introduced contemporaneously with the Coercion Bill, but prudently kept, in its passage through the house, some stages in arrear of it, the Church Temporalities Bill, with its appropriation clause, greatly smoothed the way of the "arbitrary, coercive, and violent" measure; neutralizing a good deal of troublesome opposition, and strengthening the hands of all time-serving Whigs who wanted excuses for supporting his Majesty's ministers. The two measures were brought in as necessary to each other, parts of one great whole; on the one, as on the other, the government was prepared to stake its existence:—

"Speaking in the name of the cabinet, I say that the government is pledged to carry these measures through. If we cannot carry the remedial, as well as the painful and coercive measures, we are no longer a government, we cannot continue to sit on these benches. I say, that if we are unable to carry our measures through, we are not only unable to exercise, but unworthy of exercising, the functions of a government; and I should deem myself disgraced by continuing to hold the situation which I fill, under such an administration. The government, therefore, is pledged to this, that both the remedial and the coercive measures shall pass. We are bound by our character, we are bound by our situation, we are bound by our honour as gentlemen, to carry them through; and if we fail in doing so, we cannot continue to hold our situations, we cannot call upon the house to place confidence in us."—'Suppression of Disturbances (Ireland) Bill, February 22, 1833.'

On the 21st of June following—having got the Coercion Act safe—Lord Stanley, "in the spirit of conciliation," and because "there existed a great difference of opinion on both sides of the house," struck out the 147th clause of the Church Temporalities Bill; thereby extracting from his remedial measure its chief remedial ingredient, and turning his plan of Irish Church reform into a plan for endowing that church with some three millions sterling, which, according to his own opinion and that of the whole cabinet, "ought" to be applied by the state for secular national purposes. One of the very few things done "in the spirit of conciliation,"

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which the most microscopic observer will discover in all Lord Stanley's public life.

The plea for this shabby abandonment of a measure on the strength of which the government had been getting credit and votes through the most difficult part of the session, was, if possible, even shabbier than the thing itself. It turned out, on explanation, that the conciliation was intended for "another place;" the "great difference of opinion" was not on both sides of that house, but on one side of the House of Lords. To persist in the clause would "involve consequences to which he would not then allude, but which he was sure there was no man in that house but must deprecate and feel a strong anxiety to avoid;"—the consequences thus mysteriously hinted at and deprecated, being stated on another occasion (June 30), to be "expected differences of opinion with another branch of the legislature."

In his younger and unofficial days, Lord Stanley had thought very differently of the effect which expected differences of opinion with another branch of the legislature ought to have on the proceedings of the House of Commons. The following piece of fine constitutional Whiggism offers a curious contrast to the conciliatory truckling and meanness of 1833:—

"I have heard much, not only of the expediency of gentlemen yielding up their opinions to their colleagues, but also of the house yielding up its deliberate vote to the other house of parliament. The arguments may be very convenient for official personages, but ought to have no weight with a British House of Commons. The House of Commons ought to send every measure up to the House of Lords in the shape which it deems most advantageous to the public. It is for the House of Lords to suggest any amendments which it deems expedient upon such measure; and then it is for the House of Commons to decide whether they will deviate from the line on which they had first proceeded, in order to pass a particular measure rather than no measure at all, upon any particular subject. This, I apprehend, is the constitutional course for the House of Commons to adopt, and this is the course which I myself shall rigidly adhere to."—'Corn Laws, April 22, 1828.'

The truth is, however, Lord Stanley's mind is not of that order which is capable of adhering, rigidly or otherwise, to any great principle of public policy. When he does state an important political truth, it is rarely for any higher purpose than to make a point in debate, and serve the turn of the hour. Thus, on moving the second reading of the Irish Parliamentary Reform Bill, he could lay down, in terms whose largeness and precision leave nothing to be desired, the principles which, since the act of

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1829, should govern legislation for Ireland—repudiating, with all possible energy and distinctness, the bigot policy of denying civil franchises because the majority of the enfranchised would be Catholics:—

"The objections to the bill, I believe, chiefly rest upon the amount of danger with which it is supposed to menace the Protestant institutions of Ireland, by the immense preponderance which it is thought that it will give to the Roman Catholics. If I thought that the slightest possible danger would result from the bill to the Protestant interest, I should yet be prepared to meet the argument *in limine*, by showing that the argument, if good abstractedly, could be no argument whatever for the year 1832. Such an argument would be totally inconsistent with the whole spirit of legislation. It would be inconsistent with that system which was perfected and concluded by the great legislative measure of 1829. * * * From the date of the act of 1829, I conceive that the position has been laid down, that all religious distinctions, with their kindred rancour and strife, have been done away in Ireland. If the house admits the general principle of reform, and if it has admitted that no distinction any longer exists between the Church of England and the Catholics, or between the Church of England and the Dissenters, I ask upon what ground we can turn round and say that we will not extend the right of returning members to parliament, because the Catholics must participate in the extension. We might as well object to reform in England because Dissenters would share its benefits. If this is to be the case, then I will say that there is yet a Catholic question left behind and to be settled, and that a broad political distinction between the religions still exists."—'Parliamentary Reform Bill (Ireland), Second Reading, May 25, 1832.'

Yet who has done more than Lord Stanley to keep alive that posthumous Catholic question against which he here so energetically protests? The argument which was no argument whatever in 1832 was found a very good argument in 1836 and 1837. When the question was, whether or not to give Ireland free municipal institutions, he "felt bound to say that, looking at the relative position of Protestants and Catholics in Ireland, he could not lose sight of the distinction," &c.* He "did not hesitate to say that religious grounds did influence him in the view he had taken."† The religious distinctions, with their kindred rancour and strife," which, "from the date of the act of 1829, had been done away in Ireland," he now most carefully disinterred, and put in the head and front of his political philosophy:—

"I will not pretend that I do not mix up with the question a consideration of the relative situation of Protestant and Catholic. I say I will not put forward such a pretence, for I have regard to these

* March 8, 1836. † February 29, 1836.

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considerations. * * * It is no question of equality now, no question of community of civil privileges. The question presents itself to our deliberation in an open, simple, undisguised aspect. It is this —will you take that line which will tend to maintain the ascendency of the Protestant church, or that line which will tend to demolish the Protestant church? * * * Fearless of the scorn, and fearless of the contumely with which the very name of a Protestant appears to be received upon the other side of the house, fearless of any such reflections, and notwithstanding the taunts which have fallen from my noble friend against those who desire with me to oppose this bill on such grounds, I would rest one main, simple, and intelligible objection to this measure on the ground that it is intended and calculated to be the destruction of the Protestant faith."—'Municipal Corporations (Ireland), February 20, 1837.'

There is no need, however, to travel over four or five years to find Lord Stanley faithless to the principles of the great legislative measure of 1829, and to his own wise and honest exposition of them. Three weeks were enough to put these principles out of his head, and to revive in full force the mischievous and much-deprecated "religious distinctions with their kindred rancour and strife." The argument which was no argument whatever on the 25th of May, was a very excellent and useful argument on the 13th of June. On the question of giving a second member to Dublin University, he "did not hesitate to avow" as follows:—

"In considering this measure, his Majesty's government have regard to the University of Dublin being a Protestant community. * * * I wish that there were no distinction between religious sects in Ireland; but his Majesty's government are bound to look at things as they find them. It cannot be disguised that a considerable addition is given by this bill to Catholic influence. We do not feel, therefore, that we are doing anything unreasonable in throwing into the scale of Protestant influence one additional member."—'Parliamentary Reform Bill (Ireland), June 13, 1832.'

That is to say, he does not think it unreasonable to legislate in flat opposition to the principles which he had so precisely and emphatically laid down not three weeks before. After all the fine professions with which the bill was brought in—the stand taken on the "great legislative measure of 1829," as having "done away with all religious distinctions and their kindred rancour and strife," and the express repudiation of posthumous Catholic questions,—he turns round and says, that his principles are totally inapplicable, ministers must take things as they find them—it is but fair, all things considered, to endow corporate bigotry and intolerance with a double allowance of political power.

Even on the question of the right of the state to appropriate ecclesiastical property to national uses—the point, above all

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others, on which Lord Stanley most piques himself for undeviating consistency; which, in his relinquishment of office in 1834, he made the turning point of his political life; the point on which his latest speeches, as a Conservative minister, agree to the letter with his maiden speech as a Whig *débutant;* even here he has evinced no inconsiderable share of that infirmity of purpose, and cloudiness of principle, which pervade his Irish statesmanship. His consistency on this appropriation question has been more in the letter than in the spirit. If parliament has no right to touch the surplus temporalities of a church, *à fortiori* it can have no right to meddle with its surplus spiritualities. For an assembly of laymen, with a strong infusion of heretics, to presume even to conjecture the existence, or speculate on the possibility, of this description of surplus, is, on the true high-church principle, a sort of impiety. Of all modes of legislative interference with a church, to meddle with its internal spiritual government, to dock its hierarchy, to declare and appropriate a surplus of that sacred element or essence which constitutes episcopal consecration and divine right, seems about the boldest. Yet this is what Lord Stanley has done. His Church Temporalities Bill of 1833 extinguished ten bishops at a blow—declared and appropriated a surplus of episcopacy to the amount of 45 per cent. Even as regards the temporalities, his adhesion to the principle which he has chosen as the governing one of his public life has been more verbal than real. He has, on this point, at least twice sacrificed his consistency—once to humanity and common sense, and once to political convenience. In the abolition of church cess (1833) he extinguished, confiscated, appropriated to the pockets of the people 70,000*l.* of the Irish Protestant church's annual revenue; for no other reason than that the payment of this 70,000*l.* was "a well-known cause of discontent," a "source of continual irritation." And in 1838, after battling the question for several successive sessions, he consented at last—against his judgment, against his sense of right, for expediency's sake, because "he hoped it would lead to peace," and because, after all that he had said about "breaking the neck of resistance," the neck of resistance was stiffer than ever—to appropriate 30 per cent. of the whole tithe property of Ireland to the private uses of Irish landowners. The following broken-spirited declaration of surrender is an instructive comment on seven years of rigid, dogged ecclesiastical Conservatism:—

"I think that 30 per cent. is too much, and for myself I would say that 25 per cent. is a larger allowance than I would have wished to have been given. I know, however, that we cannot argue a question of this kind upon mathematical principles. * * * I

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object to this measure. But the question for me to decide is, whether I ought to resist this bill, and to perpetuate the existing system; and I confess that, after consideration, I will not take upon myself the responsibility of this course. It would be easy for me to vindicate my consistency. I might say, that from first to last, I had opposed injustice, and that no question of expediency should lead me to depart from the strict line of abstract principle; it were easy for me to say this, but in what difficulties should I place the country! And if I do consent to this measure, I do so for the purpose of supporting a dereliction of principle in the government to which I am opposed. When called upon by my constituents to explain my course of conduct, it would have been easy for me to say to those constituents, that I had been overborne by the government; that I had done all I could to throw an obstruction in the way of the plan proposed: but I must also in justice have added, that I had also thrown an obstruction in the way of a settlement of this question. I prefer, therefore, to subject myself to some reproach from the public, rather than to endure the reproaches of my own conscience for having contributed towards the continuance of the dissensions in Ireland. * * * I am compelled to declare, in the face of the public, that the law cannot be maintained. I am compelled to consider what is the state of the Irish church, and especially what has been the state in which individual clergymen have been placed during the last four years. * * * I support the present bill, because, in the main, it leads to good, because I hope that it will lead to peace."—'Tithes (Ireland), July 26, 1838.'

Taking all things together, it does not appear that Lord Stanley's advocacy of the inviolability of Irish church property has either mathematical or moral consistency. It is true that he has, again and again, from the first hour of his parliamentary life to the present time, protested, with abundant energy and pertinacity, against any, the slightest attempt to apply the funds of this extraordinary institution to their original and legitimate destination—the moral and religious education of the Irish people; he has utterly repudiated, as "pregnant with danger," the "doctrine of proportion" between means and ends, as applicable to Irish ecclesiastical arrangements;* he has staked and sacrificed official existence on the principle of maintaining the "purity and integrity" of the greatest nuisance in the empire:—but he has not (we think the better of him for it) had the nerve to carry out this monstrous principle without some rather considerable deductions and abatements.

In leaving the subject of Lord Stanley's Irish administration —an administration exemplifying every possible fault of judgment and temper; an administration in which one of the noblest

* Church of Ireland, June 2, 1834.

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opportunities a British statesman ever had was worse than thrown away; an administration whose mischievous consequences, both to Great Britain and Ireland, are even yet unexhausted—we would express, in terms as strong and hearty as any which we have used in censure, our admiration of the one measure of real, wide, and enduring good which his government conferred on Ireland; and which, we trust, is destined, in its effects, to outlive the memory of all manner of arms bills and coercion acts. His plan of National Education, with whatever imperfections it may be chargeable, is, in its spirit and idea, among the very best things that any government has done in our time. It was a bold, an honest, and a generous measure; and, despite all the fanatical and factious opposition that has assailed it, has proved, within wide and still widening limits, a successful one. We much regret that its author has, more recently, felt so little interest in his own work, and set so small a value on his best title to honourable fame, as to sit uncomplainingly in the same cabinet with men who insulted him by distributing place and power, in church and state, among its bitterest assailants.

When Lord Stanley relinquished office on the appropriation question, in 1834, it seems to have been without any painful or humbling sense of the disastrous failure of his Irish government. Probably he was not of opinion that he had failed, but accounted himself rather to have succeeded excellently well in that grand object of British imperial policy—the "thwarting" of Mr O'Connell. The thought does not appear ever to have crossed his mind, as he retired from official life, that his name was, and thenceforward would be, disadvantageously associated with Ireland; that Irish politics were not especially his *forte;* that it would be best for his reputation as a public man that the word Ireland should not be much in his mouth; and that the parliamentary discussion of Irish questions ought, for decorum's sake, to be left as much as possible to others of his new party. So far was this from being the case, that he made no difficulty of accepting the office which Conservatism immediately awarded to him—a new office, made for the man and the time—that of Secretary of State for Ireland to the Opposition. During the seven years of his exclusion from office, from 1834 to 1841, he did the chief parliamentary work of his party on Irish questions, successfully using all the powers of his rash and ready tongue and despotic temper, to offend, alarm, and exasperate. We have already spoken of his course on the tithe and municipal-reform questions. When the settlement of these, tardy and incomplete as it was, seemed to promise Ireland an interval of political re-

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pose, Lord Stanley's most unfortunate passion for meddling in the affairs of that country must needs find something new to work upon—and he took up *Registration.*

A more mischievous and oppressive measure than Lord Stanley's Registration Bill of 1840—his own Coercion Bill scarcely excepted—has seldom been introduced into Parliament within our time. It was a very skilful and well-considered attempt to extinguish the people who, in former years, had given him so much trouble. It treated the franchise as a nuisance to be abated, and the pursuit of it, in registration courts, as a crime to be prevented or punished. Every step of the road to constitutional freedom was obstructed with difficulty and danger, and every slip had a penalty annexed to it. Complicated, prolix, and unintelligible forms of notice of claim, which only an expert and careful lawyer could know how to fill up; long journeys to county towns to show proof of title, whether questioned or not; costs, in case of failure before the registering barrister; costs again (doubled), before the judge of assize, should a favourable decision of the barrister be reversed on the objector's appeal; litigation, expense, risk, delay, vexation without end, strewed the path of the luckless aspirant for political existence. The measure was simply a new schedule A for the whole of the Irish constituencies. Under show of reforming abuses, it went to extirpate the franchise: the tares, indeed, were cut down—but with a reckless force of hand and sweep of arm which showed that the real nuisance was the wheat.

This malignant bill, introduced early in the session of 1840, was pushed forward by its author with all the haste that the resistance of the government allowed. There was no stopping him. The ministers promised to bring in a measure themselves on the subject, but he could not wait. He was besought, again and again, to provide against the enormous diminution of the constituencies, which was foreseen as the certain and immediate consequence of his bill, by coupling with the stringent registration law a liberal settlement of some disputed points in the franchise law. But to every suggestion savouring of delay he was inexorable: the case was too pressing, the abuses to be remedied were too frightful, for an hour's loss of time. He was terribly in earnest about it. The question was one of the "deepest importance," the "most vital interest;" he was indignant at the efforts made to "obstruct" him and his bill; he would not "allow the bill and the house to be trifled with;" he "stood upon his extreme right, and said, that this bill should not be shelved, should not be put off from day to day, but should

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be fairly, fully, and dispassionately tried."* When compelled to suspend operations for that session, he pledged himself to bring the measure forward again at the earliest possible period in the next session; which pledge he faithfully kept—again treating the subject as of the most vital and urgent importance, again refusing to have anything to do with the promised government plan for the removal of the abuses complained of, and again refusing to couple the question of franchise with that of registration. His bill of 1841 lived some months, and was at length (May 27) reluctantly withdrawn, in consequence of the agitation on the ministerial budget.

In three months more, Lord Stanley was a cabinet minister; with an overwhelming majority at his command, ready to pass Irish registration bills, or any other bills that he might deem of deep importance and vital interest. And within three weeks of his taking office, Sir Robert Peel (September 20) declared, in answer to a question on the subject, that—

"He certainly had no intention, at present, of bringing forward identically the same bill that had been proposed by his noble friend the late member for North Lancashire; but that which he desired, and what he was sure was the object of his noble friend, as it must be the wish of the house, was, that some means should be adopted by which the admitted and notorious errors existing in the Irish registration system should be corrected. But, on the other hand, it was not his desire, in the attempt to correct those errors, that there should be a limitation of the franchise which was intended under the Reform Bill to be given. They would endeavour to attain these two objects. * * * He trusted that this declaration would be deemed satisfactory. There was no immediate intention of bringing forward any measure on this subject. He meant to take with his noble friend the whole subject into consideration; and he assured the honourable gentleman that, in any measure that might be brought forward, they should sedulously attempt to unite the two objects together—a correction of abuses, together with the preservation of the franchise."

A direct confession, that Lord Stanley's bill would have had the destructive effect which had been stoutly denied—that the two questions of franchise and registration ought to be taken together, which had been stiffly refused—and that the whole subject, urgent and vital as it was, could very well afford to wait.

Two years later—not a thing having been done, nor a word said in the meanwhile, to revive the urgent and vital question—we find Lord Stanley himself explaining the anomalies and seeming dishonesties of his and his party's conduct, by referring to the vast difference between moral and official responsibility:—

* June 15, 1840.

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"That bill was, unfortunately, considered more as a matter of party contest than as a subject for calm deliberation. I admit, while I regret, the circumstance. I brought forward the bill, I solemnly declare, with no party views; and never was I more surprised than when I found that bill converted into an organ of fierce political discussion. It was our duty, on succeeding to the government, again carefully to examine the provisions, and to consider the probable effects of that bill; and in that examination it became apparent to us that that measure, however it might have the tendency of remedying grievances, and of correcting frauds, would, from the state of the constituency in Ireland, have the practical effect of narrowing the franchise very considerably. * * * Seeing this, and being charged with the responsibilities of office—[Lord John Russell—'That makes all the difference.'] Yes, sir, it does make all the difference. Being charged with the responsibilities of office, we were bound to look at the whole of the measure; and, thinking it right that it should be combined as a whole, and not dealt with separately, we were compelled to postpone it till, by the improvement of the Irish Poor Law, we could find a basis on which we could rely with more satisfaction than upon the present valuation, to test the right of persons to exercise the franchise."—'Arms (Ireland) Bill, June 16, 1843.'

In other words, Lord Stanley's conscience is only to be bound by the special retainer of a seat in the cabinet. Official salary and patronage make "all the difference" in his views of moral responsibility.

In 1844, after having slept on the vital and urgent question for three years, a bill is tardily brought in, combining the two subjects of franchise and registration—moved languidly through a stage or two—and dropped. And there, for the present, the matter rests.

We do not know that Lord Stanley himself has ever been implicated in a more shamelessly factious business than this. It is worth noting, that from the introduction of his Registration Bill—so malignant in its end, and so insidious in its means; so hotly pushed by the opposition leader, and so coolly abandoned by the cabinet minister—we have to date the commencement of the present agitation for the repeal of the Union between Great Britain and Ireland. For whatever may come of that agitation, first or last, Lord Stanley is, more than any other man living, individually and personally responsible.

The infirmities of temper and purpose which have worked so much mischief in Ireland, have been twice inflicted on the Colonies—each time, with such result as might be expected. In Canada, Lord Stanley put the finishing stroke to that series of

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neglects, oppressions, and insults, which eventually produced rebellion and civil war; in the West Indies, he so bungled and marred the work of negro emancipation as to furnish the slave-owner with new arguments of the most persuasive sort, and indefinitely postpone the general extinction of slavery throughout the world; in New Zealand, he has brought to the verge of utter and irreparable ruin, the noblest and most hopeful attempt of modern times towards solving the problem of systematic colonization.

At the period when he exchanged the Irish Secretaryship for that of the Colonies (1833), the aggrieved Canadians were not without grounds for the hope, that their complaints would find a more attentive and respectful hearing at the Colonial office than under any previous administration. The new Secretary had given no sign that he regarded the principles and spirit of his Irish government as applicable beyond the Atlantic. He had, in former years, shown clear perceptions and warm feelings with regard to that which was the main root of all Canadian grievances —the pseudo-aristocracy of the Legislative Council. And he had not evinced any such superstitious reverence for the Canadian constitution of 1791, as to warrant the expectation that he would be over-nice about sanctioning such modifications of it as the wants and habits of the Canadian people might require. In a speech of his earlier days of Whig opposition, he had said, of the obnoxious Legislative Council—

"The Legislative Council was instituted to supply the place of a House of Lords. How ill that council has discharged that office, we may judge from the papers before us. The members of that council, upon every occasion, have enrolled themselves on the side of the government, and against the people. They stand as an impotent screen between the government and the people. They neither repel the people on the one side, nor impel the executive on the other; but while they enable the one to maintain the war against the other, they are the means of keeping up a continual system of jarring and contention between the government and the people. This council is the root of all the evils which have taken place in the administration there during the last ten or fifteen years."—'Civil Government of the Canadas, May 2, 1828.'

It was not till the speaker of these fine things became invested with those "responsibilities of office," which, as he has since told us, "make all the difference," that the Canadians found that all this was but the "fine foaming patriotism" (as Sir James Graham calls it) of a Whig in opposition, and meant, really and practically, nothing.

Fortified by the known and recorded opinion of the Colonial

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Secretary, the people of Lower Canada thought the time was come to push for such a change in the constitution of their Legislative Council as would go to "the root of all the evils" of which they had so long hopelessly complained. A committee of the House of Commons had, in 1828, recommended some change—the Colonial Secretary was understood to favour a very sweeping and radical change; and as the change, to be effectual for its purpose, must be such as to satisfy the people, the Canadian reformers thought the fittest preliminary to imperial legislation would be, to take measures for putting the imperial legislature in possession of the sense of the people—to adopt some formal and authentic mode of collecting and embodying public opinion as to the precise *What* of the reform desired. Accordingly, the House of Assembly proposed to the Colonial Office, by address through their governor, that a "convention," as they unluckily called it, should be summoned, consisting of delegates chosen to represent the people on this particular point, in order to ascertain the exact kind and amount of organic change demanded by popular feeling throughout the province.

The proposal was, certainly, a singular one; founded on American rather than British precedents, with more of democracy in it than of imperialism. But it was not absolutely treasonable, either in form or intention, and was entitled to the appearance, at least, of a fair and respectful consideration. If it was a thing which no prudent statesman could do otherwise than object to, it was also a thing to which any wise statesman would be anxious to phrase his objection so as to give the least possible offence. To disappoint the House of Assembly might be judicious: but to insult them was mad. Lord Stanley, however, was fresh from Ireland, Coercion and Arms Bills, and parliamentary scenes with O'Connell; and the temptation to say something smart and strong was too inviting to be withstood. He accordingly answered the House of Assembly with a neat, well-turned sneer at the extreme absurdity and impertinence of their proposal, and a significant threat of a coercion act, if necessary. He tells them, with happy sarcasm—

"The object of this address is to pray his Majesty to sanction a national convention of the people of Canada, for the purpose of superseding the legislative authorities, and taking into their consideration in which of two modes the constitution of Lower Canada shall be altogether destroyed."

And he winds up a long objurgatory despatch with—

"Should events unhappily force upon parliament the exercise of its supreme authority, to compose the internal dissensions of the

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colonies, it would be my object and my duty as a servant f the Crown to submit to parliament such modifications of the charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the mother country, by a close adherence to the spirit of the British constitution, and by preserving in their proper place, and within their due limits, the mutual rights and privileges of all classes of his Majesty's subjects."*

Since the Canadian rebellion, Lord Stanley's way of thinking on these matters has undergone a remarkable and edifying change:—

"I do not hesitate to say, that, greatly as I value the possession of Canada, important as I think it to be to this country that she should continue to hold under her control those great and important provinces, yet I freely and frankly avow, that from the day on which this country should cease to hold Canada by the tie of the affection and goodwill of the great portion of its inhabitants, from that moment would cease my desire to retain it in the possession of Great Britain."—'The Address, February 2, 1843.'

An important discovery, which, could he but have anticipated it by ten years, when the peace and good government of those great and important provinces were unfortunately contingent on his temper and discretion, would have saved thousands of human lives, and millions of British treasure.

It must ever be regarded as a most unhappy concurrence of circumstances, that, at the period when public opinion in Great Britain was so far matured as to render the immediate abolition of slavery a state necessity, the Colonial Secretaryship should have been held by a man of Lord Stanley's quality of mind. That great act of national justice, humanity, and policy, could not well have been done in a worse way—at a more lavish cost, or with a smaller return of good—with a more entire neglect of the real risks and difficulties of the case, or a greater superfluity of caution in providing against imaginary ones. Of some of Lord Stanley's characteristic faults there are, indeed, few traces in his conduct on this question. We freely credit him with an earnest and unaffected desire for the welfare of those for whom he had to legislate, and a sincere sense of responsibility for the vast human interests so unfortunately committed to his charge; and in his negotiations with the West India interest and the colonial legislatures, he laid aside the petulance and *hauteur* of which Ireland and Canada have had such painful experience.

* See the debate on "The Canadas" of April 15, 1834.

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But precipitancy, vacillation, reckless waste of national wealth, an excessive solicitude to avert chimerical dangers, with gross improvidence as to an obvious, actual, and imminent danger, are conspicuous throughout the history of this wofully bungled business. A cruel injustice to the negro, a most serious injury to the planter, a grievous burden on the industry of the British people, and a heavy permanent discouragement to the general cause of the abolition of slavery through the world—all these were combined in, or have resulted from, Lord Stanley's measure of negro emancipation.

The two distinctive features of the scheme were the *compensation* and the *apprenticeship*. Each of these went on a false principle, and turned out a failure.

On the subject of the compensation, we have nothing now to add to the views stated in a recent number of this Review.* On any theory of the economics of slavery, and the relative commercial value and power of slave and free labour, this compensation plan was an absurdity. If, as the abolitionists contended, the labour of a freeman is necessarily, and under all circumstances, twice as valuable as that of a slave, there was nothing to give compensation for: if, as the planters alleged, negroes cannot be relied upon to do the work of sugar plantations, except under the compulsion of slavery, emancipation, unaccompanied by measures for pouring into the West India Islands a fresh supply of labour, was virtually confiscation of the planters' estates; and the only possible compensation would have been, for the government to take to the estates at the price they were worth before an act of the legislature interfered to depreciate them. The true subject of compensation was the diminution, if any, of the planters' incomes—the injury, if any, to the working power and value of the plantations, consequent on a change in the social relations of the capitalist and the labourer. And the problem for the statesman to solve was, to prevent or minimize such injury, by prompt and effectual measures for ensuring the colonies an adequate supply of labour at reasonable wages.

The apprenticeship system was likewise an absurdity. It was a scheme for extracting from the negro the old quantity of labour, without the old inducement of the whip, and without substituting a new inducement in the shape of wages. It proposed to train the negro to freedom, and form in him the freeman's virtues of energetic industry, forethought, self-reliance, and self-respect, by placing him in a position which had the very essence of slavery—forced labour without an equivalent. It was

* No. LXXXI. "The Slave Trade and Sugar Duties."

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merely an awkward, ineffectual, left-handed sort of slavery, graced with the admission that all slavery is sinful. The legislature, by one and the same act, declared it immoral to force one man to labour for the benefit of another, and enacted the continuance of the immorality for a term of years. In its original form, this apprenticeship plan was, beyond measure, extravagant. The negro's first taste of freedom was to be—a tax on his wages to pay other people's debts. His first lesson in the ethics of social rights and relations was to be—compulsory liquidation of other people's pecuniary liabilities. This most extraordinary scheme was propounded in the following terms:—

"I wish to leave it to the consideration of the house whether we shall or shall not call upon the negro labourer to contribute his share to the repayment of the sum advanced to the planter. It is quite clear that the repayment must be borne either by the produce of negro labour, or by the revenue of this country. It cannot in justice be borne by the planter. One or other of those alternatives must be adopted. There is, certainly, a middle course, but into that consideration I will not at present enter. For my own part, I think a great object will be gained by calling on the negro to contribute his share to the repayment of the advance. I think it likely that the negro will be encouraged to continue his industry and exertions, if, out of his wages for the fourth of his labour, some deduction should be made for the purpose I have adverted to. To tell him that out of the produce of the fourth of his labour something shall be laid up for that purpose, would certainly be more conducive to create in him habits of industry and of self-denial. * * * I, therefore, do not think that to exempt the negro from contributing his share of the repayment is by any means desirable."—'Ministerial Proposition for the Emancipation of Slaves, May 14, 1833.'

That is to say, Lord Stanley expected that human beings reduced to such a state of helpless mental childishness as to need a twelve-years' education for freedom (the term first proposed), would be able and willing to exercise the "industry and self-denial" of working a fourth part of their time, for twelve years together, to pay a debt which they had never contracted. The only possible effect of this device for the moral improvement of the negro would have been, that with every new accession of intelligence, self-respect, and moral perception, he would have seen the more clearly, and felt the more indignantly, the enormous wrong that had been done him.

Throughout this business of negro emancipation, Lord Stanley was anxiously on the watch to avert a purely imaginary danger, and completely overlooked an actual and obvious one. He took infinite pains to provide against the exceedingly remote con-

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tingency of negro turbulence and disaffection; he was most solicitous that the redress of wrongs should not stimulate rebellion: but, on the real, the urgent, the only difficulty of the case—how to get the old *quantum* of work done under a new state of things, how to make freedom grow as good sugar crops as slavery—he seems never to have opened his eyes. Actually, he did not think it mattered much, one way or the other, how the change might operate as regarded the sugar crops; though, if he had any preference on the subject, it was in favour of diminished crops, as being, on the whole, more advantageous for the colonies. In his speech introducing the measure he said—

"We are told that the effect of such a proceeding (emancipation) will necessarily be to cause a great diminution in the amount of production; that it will be absolutely impracticable to cultivate sugar; that the colonies must be thrown up, and that nothing but ruin will ensue. So far as the amount of the production of sugar is concerned, I am not quite certain that, to some extent, a diminution of that production would be matter of regret; I am not quite certain that it might not be for the benefit of the planters and of the colonies themselves, in the end, if that production were in some degree diminished."—*Ibid.*

It does not seem to have occurred to this statesman, that diminution of production and supply meant increase of price to the people of Great Britain, and that this increase of price would lead to discontent and a cheap-sugar agitation; that the effect of diminished supply and high prices would be to render protective duties more than ever necessary, and more than ever mischievous and odious —to produce a state of things in which the relaxation of protection would be a new stimulus to the slave-trade, while its continuance is a standing argument for slavery. It did not occur to him that the diminished production of which he spoke so complacently, would be about the worst thing that could befal the experiment of emancipation—the thing of all others that would render British humanity a warning, instead of an example, to all slave-owning nations. That the conduct of this experiment should have fallen into the hands of a man who set out from the principle that short sugar crops might be rather advantageous than otherwise, was a national misfortune, the full consequences of which we have yet to feel.

After this, it seems hardly worth while to say much of the details of the measure. The whole history of the bill in its progress through parliament abounds in signs of the loose, shallow, unbusiness-like mind of its very clever author. Precipitancy, vacillation, and bungling are conspicuous at every stage. He began (May 14) with a fifteen-millions' loan to the planters, and

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a twelve-years' apprenticeship for the negroes; the negroes to learn industry and self-denial by repaying the loan, in whole or in part, out of the wages which they were to earn in that one-fourth of their time which was to be their first instalment of freedom. In fact, the "abolition of slavery" meant, with Lord Stanley, very much what "extinction of tithes" meant—the continuance of the abolished or extinguished thing, under a new name, with a rigorous exaction from the parties aggrieved of all outstanding claims. A fortnight afterwards (May 30), it was decided that the negro mind did not need this very stringent discipline of industry and self-denial. The "loan," as he drolly persists in calling it, was to be repaid, not out of the negro's first earnings, nor out of "the resources of this country—that was an alternative which, as he had already said, parliament would not, of course, be disposed to adopt;" but by an increase in the sugar duties, so ingeniously adjusted as "not to affect the interests of the consumers in this country, while the revenue might be so increased as to compensate us for the loan advanced to the West India proprietors." Within another fortnight (June 10), everything was changed again. In consequence of "having made inquiries," which might just as well have been made before, the fifteen-millions' loan was altered into one of twenty millions; and the "alternative which, as he had already said, parliament would not, of course, be disposed to adopt," was adopted, as, of course—the loan was to be "borne entirely by the resources of this country." Six weeks later (July 25), the twelve-years' apprenticeship was cut down to seven; and thus one of the lamest, crudest, and costliest measures ever introduced into parliament passed into a law.

We revert to the history of this sadly blundered business of negro emancipation, with deep and bitter regret—not unmixed with indignation, against the blunderer. We do not bring it as a charge against Lord Stanley that he has failed in the working out of a new and difficult experiment in social science, but that he does not appear to have troubled himself to know wherein the difficulty really consisted. The problem for British statesmanship to solve was, not merely to emancipate certain hundreds of thousands of slaves in British sugar islands, but so to do this a to render British policy an example rather than a warning to all slave-holding communities—to demonstrate, in the facts and figures of the Price Current, the superior productive power and commercial value of free over slave labour. Do this—and there is an end of slavery, at once, everywhere, and for ever. Leave this undone—and the limited and partial benefit of the emancipation of our own particular British slaves is purchased at a price, in

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the sum total of which the twenty millions form but an inconsiderable item. Lord Stanley has not done this; for the simplest of reasons, that he never intended or attempted to do it. To demonstrate the superior productiveness and economy of free labour, is an object which does not seem ever to have been in his thoughts. So far from it, he was rather inclined to be of opinion that the inferior productiveness of free labour, and the consequently greater costliness of its produce, was a not undesirable thing to look forward to. He was "not quite certain" that it would be "matter of regret" for free labour to be unable to meet slave labour on equal terms in the market of the world. He rather preferred, of the two, that an experiment on the relative values of free labour and slave labour should turn out in favour of the latter. The result has hitherto corresponded but too well with the miserable theory. Owing to the neglect of those arrangements for the immigration of free labourers, which ought to have accompanied emancipation, our supplies of sugar have grievously diminished in quantity, and risen in price; the people of Great Britain, after all that they have done and sacrificed, have still to make their choice between submitting to an oppressive tax on a necessary of life, and giving a new stimulus to the Brazil and Cuba slave trade; we are entangled in much harassing, angry, and futile diplomacy with slave-owning and slave-trading countries; and all the slave-holders of the world are taught, by our experience, to hold fast that gainful iniquity which we, in a fit of uncalculating moral enthusiasm, relinquished. Whether it be yet possible to supply this fatal omission, and whether Lord Stanley be the man to do it, remain to be seen. We hope and believe the former, but have great misgivings about the latter.*

As, in the business of negro emancipation, Lord Stanley bungled and spoiled a grand work of national justice and humanity—so, in the case of New Zealand, he has, with an obstinate wrong-headedness, the *animus* of which is perfectly incomprehensible, blighted the most promising experiment of modern times in the great national policy of systematic colonization.

* It is at least satisfactory to think that Lord Stanley and his present colleagues in office are not restrained from the adoption of measures which they clearly see to be imperatively necessary, by any scruples on the score of consistency. Witness the conduct of the faction on the question of Hill-Cooly immigration to the Mauritius. In 1840, they strenuously opposed Lord John Russell's bill on the subject: in 1842 (being under those "responsibilities of office" which "make all the difference,") they adopted, with some alterations of detail, Lord John Russell's bill.

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It would lead us too far—nor is it necessary to an understanding of the questions at issue between Lord Stanley and the New Zealand Company—to retrace in any detail the circumstances of the settlement of New Zealand, previously to its annexation to the British Crown. It may be sufficient to remind the reader that in the year 1837 an association was formed, called the New Zealand Company, consisting of gentlemen of the highest character and station, for the purpose of combining land, labour, and capital, in the systematic colonization of the New Zealand Islands. It was a fundamental part of the plan that the land to be acquired by the company should be obtained by fair purchase from the natives; and further, that one-tenth of all land so purchased should be reserved in perpetuity as a provision for the native chiefs and their families. During the two or three years following the formation of the company, colonization proceeded rapidly and prosperously, not only without the sanction, but in the face of every possible discouragement on the part of the the Colonial office. The company had obtained, by contract with the natives, a claim to large tracts of land (stated loosely at 20,000,000 of acres), and expended large sums of money in carrying out emigrants and establishing settlements. At the same time, much irregular emigration had taken place on the part of individuals and bodies unconnected with the company.

In the year 1839, it was determined by the Colonial office, that steps should be taken to legitimate and control the self-created colony, by annexing New Zealand to the Crown; and Captain Hobson was sent out with instructions for that purpose. The sovereignty of the Northern Island, in which alone the New Zealand tribes had ever been recognized as an independent nation, was obtained by a treaty with the chiefs, called the treaty of Waitangi (February 6, 1840); by which the chiefs ceded to Queen Victoria all their political rights and powers, and received in return the Queen's guarantee, to themselves and their tribes, of "full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they might collectively or individually possess, so long as it should be their wish and desire to retain the same in their possession." The sovereignty of the middle and southern islands was assumed in virtue of the right of discovery. In pursuance of the instructions carried out with him, Captain Hobson, as governor of the colony, issued a proclamation (January 30, 1840), notifying that no titles to land would be held valid which were not derived from, or confirmed by her Majesty; but that, in order to dispel any apprehension that it was intended to dispossess the owners

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of any land acquired on equitable conditions, a commission would be appointed to inquire into and report on all claims to land within the colony.

With the policy of these proceedings we have here no especial concern. They are very severely condemned—we think, not on inadequate grounds—by the report of the Commons' committee. "It would have been much better," say the committee, "if no formal treaty whatever had been made, since it is clear that the natives were incapable of comprehending the real force and meaning of such a transaction." All purposes of substantial justice might have been accomplished without the formality of any such document; and the unfortunate ambiguity of its phraseology— leaving it undecided whether "collective possession" meant actual occupancy and cultivation in common, or merely territorial chieftainship—prepared the way for the growth of that dangerous notion on the part of the natives, *a right of property in waste lands*, which produced endless jealousies, quarrels, and litigation, and led eventually to the massacre of Wairoa.

So far, however, as the New Zealand Company and the settlers holding under them were concerned, all previous errors of policy were cured, or intended to be cured, by a separate arrangement, designed to exempt them from the litigation and uncertainty of the Court of Claims, and to secure and facilitate the further progress of the great national undertaking for which the company was originally formed. In November, 1840, Lord John Russell consented to advise her Majesty to grant the New Zealand Company a charter of incorporation, on the basis of an agreement, the essence of which, as regards our present purpose, is contained in the following clauses:—

"It being understood that the company have invested large sums of money in the purchase of lands in New Zealand from the native chiefs and others, in the taking up, chartering, and despatching ships for the conveyance of emigrants thither; in the maintenance of such emigrants before and during the outward voyage; in the purchase and transmission of stores for the public use of the settlers collectively on their arrival; in surveys; in the erection of buildings, or the execution of other works dedicated exclusively to the public service of the settlement; and in other heads of expenditure or absolute liabilities, unavoidably required or reasonably incurred for the before-mentioned purposes; it is agreed that an estimate be forthwith made of this outlay, under the different heads thus enumerated. In making that estimate, no item shall be admitted which shall not be found to have been just and moderate in amount, and fairly demanded by the exigencies of the service to be performed.

"The above-mentioned estimate shall be made by one or more accountants, to be named by Lord John Russell, and to be paid by

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the company. His lordship would propose for this purpose Mr James Pennington, who should be assisted by such clerks and copyists as he might have occasion to employ.

"When the amount of the above-mentioned expenditure shall have been ascertained, the company shall be secured by a grant from the Crown to them, under the public seal of the colony, of as many acres of land as shall be equal to four times the number of pounds sterling which they shall be found to have expended in the manner and for the purposes above mentioned.

"The lands so to be assigned to the company shall be taken by them in that part of the colony of New Zealand at which their settlement has been formed, and to which they have laid claim in virtue of contracts made by them with the natives or others, antecedently to the arrival of Captain Hobson as her Majesty's Lieutenant-Governor at New Zealand. Within those local limits the company shall select the lands so to be granted to them. The selection is to be made within six months after the receipt by the Governor of a copy of this agreement.

"The lands so to be selected by the company, as last aforesaid, shall comprise all tracts to which any persons have derived title through them.

* * * * * * *

"The company forego and disclaim all title, or pretence of title, to any lands purchased or acquired by them in New Zealand, other than the lands so to be granted to them as aforesaid, and other than any lands which may hereafter be purchased or acquired by them from the Crown, or from persons deriving their title from the Crown."

These terms were gladly accepted by the New Zealand Company, and the charter was issued accordingly, in February, 1841.

In the month of April following, Mr Pennington made his first award, of which we give the following summary, in his own words:—

"It appears to me that the total sum in respect of their expenditure, of which the right of the New Zealand Company is clear, and may be immediately admitted, amounted, on the 31st December last, to 132,982*l.* 9s. 8d.; and that the total sum, in respect of the expenditure, of which the right to receive land must be reserved for future inquiry and consideration, amounted at that date to 116,276*l.* 13s. 4d."—'Letter of Mr Pennington to Mr James Stephen, May 8, 1841.

This award was handed to the company by the colonial office, with the following comment:—

"The result of Mr Pennington's investigation is to show that, under the arrangement entered into with the government, the company are entitled to receive 531,929 acres at present; and that they may hereafter be entitled to a further portion of between 400,000 and 500,000 acres of land.

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"Lord John Russell will forthwith transmit to the Governor of New Zealand copies of Mr Pennington's two reports, with instructions to make to the agents of the company the necessary assignments of land, in pursuance of the terms of the agreement."—'Letter of Mr Vernon Smith to Mr Somes, May 28, 1841.'

Most disastrously for the New Zealand Company, for the settlers under them, for numerous individuals and large bodies of individuals intending and preparing to emigrate, and for the general interests of the British empire as bound up in the cause of systematic colonization, Lord John Russell shortly afterwards went out of office, and Lord Stanley came in. The consequence of which was, that, as late as the month of August, 1844 (how the matter stands at this moment we are not precisely informed), the New Zealand Company was still without a title to one single acre of the land awarded to them under Lord John Russell's agreement of November, 1840.

We cannot attempt in these pages to give anything like an adequate view of the mismanagement, injustice, cruelty, and cold official insolence,* the records of which fill the three-inch thick Appendix to the Twelfth Report of the New Zealand Company; but must content ourselves with stating, in the most general terms, the plea alleged for that monstrous breach of public faith in which Lord Stanley has persisted, with immovable obstinacy, during the last three years. The ground which his lordship took was this:—that Lord John Russell's agreement of November, 1840, was founded, not on the considerations expressed in the agreement itself as above quoted, but on the implied consideration of the assumed correctness of an allegation stated to have been made by, or on behalf of, the company, to the effect that they (the company) had acquired, by purchase from the natives, a full proprietary right to 20,000,000 of acres

* The following piece of genuine *Stanley* catches our eye, as we turn over the leaves of the bulky volume above referred to. In answer to certain allegations of gross official misconduct on the part of Governor Hobson, involving shameful injustice to the settlers, and imminent risk to the peace of the colony, Lord Stanley—

"Thinks it enough to say that he must decline to vindicate to the directors of the New Zealand Company the conduct of an officer enjoying her Majesty's confidence in the administration of the government of one of the colonial dependencies of the British Crown: of his responsibility to the Queen and to parliament, on this subject, Lord Stanley is fully prepared to acquit himself. To yourself and your colleagues in the direction of the New Zealand Company, his lordship acknowledges no such responsibility."

This was on the 15th of February, 1843. The Wairoa massacre—the natural result of the acts complained of—took place in the month of June following.

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of land;* that the agreement was intended merely to confirm the company's title to certain portions of land already validly purchased by them; therefore, that the validity of such supposed purchases must be investigated and ascertained, before the company could claim a rood of land in grant from the Crown. A wider divarication between the text and the interpretation of a document cannot well be imagined. The text gave the company a title conditional on their being proved to have expended certain sums of money in certain specified ways: the interpretation made the title conditional on the legal validity of certain alleged transactions with the natives, prior to the period of New Zealand becoming a British colony; although, by an article of the agreement, all rights accruing from any such transactions were expressly abandoned. The consequences of this enormous injustice, coupled with the false and mischievous policy of acknowledging a right in the natives to receive compensation-payments for lands never occupied nor cultivated by them,† have

* On this subject, Mr Somes, the governor of the company, writes to Lord Stanley (January 24, 1843):—

"We probably stated to her Majesty's government that our agent had made a bargain with native tribes under which we claimed some 20,000,000 of acres in New Zealand. But we say distinctly that never, at any period, or in any form, did we assert our ability to prove the validity of our purchases from the natives; that no circumstance occurred in the course of that transaction which could induce us to believe that the validity of the purchases, or the extinction of the native title by us, was regarded as material by the government."

† Of this absurdity—the very quixotism and fanaticism of legality, applied to tribes of barbarians just beginning to emerge from cannibalism—the Commons' committee thus speak in their Report:—

"The evidence before your committee, both oral and documentary, leads to the conclusion that the natives of New Zealand, till they learnt to do so from Europeans, attached no idea of value to unoccupied land, and that though they had some vague notions of certain circumstances (frequently connected with their peculiar superstitions), giving preferable claims to particular tribes over particular districts, yet, practically, the right by which territory was held was that of the strongest. Your committee need hardly point out the manifest absurdity of attempting to apply the notions of English law, with respect to landed property, to such a state of society, and the utter fruitlessness of an endeavour to disentangle the complicated and conflicting claims set up by different tribes to wild land, this inquiry having to be conducted by Europeans, ignorant both of the language of the natives, and of their barbarous and superstitious customs, on which the claims to land very frequently depended.

"The policy adopted of entering into such an inquiry, and of acknowledging the claims of the natives to payment for the unoccupied lands, has had effects very injurious to the interests both of the settlers and of the natives themselves. With respect to the settlers, by preventing them for so long a period from obtaining possession by a secure title of the land they required for cultivation, it has given a most serious check to the progress of improvement. To the natives this policy has been still more injurious; it has created a strong feeling of irritation between them and the settlers, from the existence of which they cannot fail ultimately to be the chief sufferers; the large amount of property they have received in pay-

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been beyond measure disastrous. The company were dragged before the Court of Claims (the "court" being a gentleman who had shortly before been a country attorney in England), to establish a title which they had formally abandoned; the whole of their right, and the right of those who held under them, to occupy a foot of the soil of New Zealand, was made to depend on the issue of complicated and interminable investigations,* con-

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ment for land which was of no real use to them before, instead of being of permanent advantage to them, has been speedily and improvidently consumed, and has only served to excite in them the passion of cupidity, and to produce quarrels amongst themselves, which, in one case at least, have broken out into open war. Even Mr Clarke, the chief protector, who has insisted so much upon their obtaining a very high price for their land, has admitted that the 'sudden affluence' to which they have been raised has had 'an unfriendly influence on their moral improvement.' The worst consequence of all, as it appears to your committee, of the course which has been pursued, is, that it has lowered the authority of the government over the natives, and given rise, on their part, to claims which it is greatly to be feared they will not peaceably be brought to forego; and which yet cannot be allowed without the sacrifice of the principal means of promoting the advancement of the colony."

Contrast with this the wise and well-considered beneficence of the company's original plan of reserved-tenths for the natives in perpetuity.

* The directors of the New Zealand Company inform us, in their Twelfth Report, that this court "sat for nearly two years without deciding a single case."

We extract from the same Report the following account of this tribunal and its *modus operandi*:—

"The court consisted of a gentleman who did not understand a word of the native language. The interpreter of the court held the office of sub-protector of aborigines, and in that character not only prepared out of court the claims of the natives against the company, but acted as their counsel in court. There has since been added to his functions that of arbitrator, to assist in determining the amount of compensation to be paid by the company to natives under decree of the court. He had been appointed, moreover, to the office of sub-protector of aborigines by his father, the chief protector of New Zealand—a lay missionary, personally and largely interested in whatever might affect the value of landed property at and near Auckland. There was no surer method of raising the value of land near Auckland—no more certain means of promoting colonization near Auckland at the expense of the company's settlements—than by decisions of the Court of Claims adverse to the company, or by delay in coming to any decision.

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"The spectacle which that litigation presented excited a general ridicule. The claims and counter-claims, direct and intermediate, were as numerous as the considerations alleged to have passed, and the proofs of contract were various and conflicting. Some of the parties in this strange contention of private interests employed English attorneys and barristers; one or other of the languages used was always unknown to one or more of the parties interested; the very thoughts of the several parties on the subject of property in land were so different as to be respectively incomprehensible; the parties best informed on the subject in debate—the natives, whose law of real property was to be the guide of the court—never had any *law* of the sort, but only vague, diversified, conflicting customs; and to crown all, the court itself, whose functions were really more important and more delicate than those of the governor, consisted of a country attorney recently imported from England."

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ducted through interpreters, into the precise legality of contracts which, from the nature and necessity of the case, must have been mostly made without the usual forms and evidences of legality, and whose subject-matter had never had a farthing of money-value until British skill and capital were invested in it. The natives, encouraged by the laxity of the local government—their cupidity stimulated by the prospect of gains which they had never before dreamed of, and their vanity flattered by the importance to which they were suddenly raised—advanced the most preposterous claims to compensation for the loss of rights which they had never, in any intelligible sense, possessed. The business of colonization came to a complete stand-still, the company having neither land to sell nor funds for the conveyance of emigrants. Large bodies of individuals in this country, after turning their property into money, and relinquishing their situations with a view to emigrate, were subjected to distressing anxiety and ruinous loss while awaiting the slow decisions of the Court of Claims and the Colonial office. And the most just, humane, rational, well-conducted scheme of colonization ever devised, was brought to the brink of utter and final ruin. All this, because Lord Stanley has a sharp temper, an obstinate will, and a bad head for business, and had somehow got the notion that he and the New Zealand Company were natural enemies. "In all other respects," say the directors, in their most melancholy Twelfth Report—

"A remarkable success has attended your proceedings. The most sanguine hopes concerning the natural resources of New Zealand have been realized; your plan of colonization has found such favour with the public as to supply you amply with the means of carrying it into effect; no difference with natives, no disaster, no loss, no discouraging circumstance, has occurred from accident, or from causes over which you had any control; the one all-pervading difficulty with which you have had to contend throughout, is the policy of the Colonial office and the local government, including their hostility to the company."

The later history of the question at issue between the Colonial office and the company may be told very shortly. On the 26th of April last, Mr Aglionby, one of the directors, moved the House of Commons for a select committee "to inquire into the state of the colony of New Zealand, and into the proceedings of the New Zealand Company." Lord Stanley assented. A committee was appointed, consisting of fifteen gentlemen—ten ministerialists and five members of the opposition; the whole of the case was carefully gone into; and on the 29th of July, the committee agreed to a report and series of resolutions, drawn up by

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Lord Howick. Of these resolutions it is enough to quote the following:—

"That the New Zealand Company has a right to expect to be put in possession by the government, with the least possible delay, of the number of acres awarded to it by Mr Pennington; that the company has this right as against the estate of the Crown, without reference to the validity or otherwise of its supposed purchases from the natives, all claims derived from which have been surrendered."

In other words, the New Zealand Company have been altogether right, and Lord Stanley altogether wrong, from first to last. It is not often that a graver judicial censure has been passed on the conduct of a minister of state, than is conveyed in this resolution.

We have been led by the very great practical importance of the preceding topics, to review so much in detail the errors and failures of Lord Stanley's official career, that we have left ourselves little space to speak more generally of his opinions and character as a public man. Nor does this greatly signify; apart from his official position and powers, there is little in or about Lord Stanley to invite or reward the trouble of criticism. His showy and facile debating talent excepted, there is nothing in the character of his mind above the level of mediocrity—not a trace, either of intellectual originality, or of moral earnestness and dignity. We cannot find that he has ever expressed an opinion on any subject, which may be regarded as an addition to the world's general stock of political wisdom and knowledge; we do not know that a subject could be named on which any man would care to have his opinion. He owes the whole of his political importance to aristocratic birth, party serviceableness, and a ready, fluent, dashing parliamentary rhetoric.

It may be worth noting, however, that Lord Stanley is largely possessed of that gift of self-contradiction, that talent of saying, unsaying, and re-saying things, according to the convenience of the moment—the sure token of a loose, shallow intellect, and blunt conscience—which is the most distinctive characteristic of the party leaders with whom he is now associated. Thus, he was once "a warm advocate of the general principles of free trade;" so warm, that he felt himself obliged to show cause, at some length, for admitting a special exception to his general principles, by giving poor emigrants a legal protection against the frauds of shipowners and captains.* Since then, he has con-

* See the debate of March 4, 1828, on the Passage Vessels' Regulation Bill.

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temptuously repudiated the general principles of free trade, as "absurdities" too gross to be "imputed even to honourable gentlemen opposite."* More recently, we find that he "admits those general principles of free trade" which Lord Howick had enunciated; "everybody admits them; the whole science of a statesman lies in knowing when and how far to apply them."†

The subject of national education, in its relations to religion and the church, is another of those on which Lord Stanley has shown that confusion of ideas, that mutability of principles, that power of digesting contradictions, which is the chief characteristic of modern Conservatism. We have already rendered him the meed of honour to which we deem him entitled for his well-conceived and well-executed plan of education for Ireland. But it does not seem that Lord Stanley is himself very careful of his honour in this matter; for, when a party turn is to be served, he is not too proud to coalesce with the bigots who once so bitterly denounced him, and enunciate principles which imply the utter condemnation of his own best work. In his speech on the education question of 1839 (June 14), a speech, by the way, almost as full of self-stultifying, semi-liberal concessions, as it is of high-flying extravagances—we find the following sweeping assertion of that ecclesiastical claim to the monopoly of education which he had, eight years before, so vigorously brushed aside; the difference being that, eight years before, he had been "charged with the responsibilities of office":—

"Education is not considered [by the constitution] as a thing apart from religion. It is not thought to be a thing apart from the church. It is a business which the constitution and law of this country consider as the peculiar province of the clergy of this country, and as a spiritual matter to be entrusted to the spiritual superintendence of the clergy."

Which he proves, by going back to "the early times before the

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The following opinion on corn laws, of about the same date, is worth keeping on record:—

"If I am not entirely mistaken in the view which I have taken of this subject, the great point is, to secure the corn market from all excessive fluctuations; and this is the one point in which the present bill is notoriously and palpably deficient. I am sorry to use such a word, for I have a great respect for the right honourable gentleman who framed this bill; but I must nevertheless designate it by the title of a disingenuous bill. * * * I am desirous that corn should be had at a low rate; but I am still more desirous that it should be had at a fixed and definite rate, and that it should not be exposed to those rapid fluctuations which are equally ruinous to the consumer and the producer. * * * I am certainly inclined to the opinion of those who abstractedly support a fixed permanent duty; but feeling that it would be impracticable to carry such a measure, I feel that the next best plan would be to adopt such a scale of duties as would keep the price of corn as low as possible, at the same time giving to the agriculturist a fair profit."—*Corn Laws*, April 22, 1828.

* Sugar Duties, May 12, 1841. † Sugar Duties, June 17, 1844.

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Reformation, and quoting the *dictum* of a chief justice of the reign of Henry IV, to the effect that "education is a matter of ecclesiastical cognizance," adding — "This is a doctrine as old as the history of the country, and it is recognized even down to the present time." Yet, with a fine facility of self-contradiction, he immediately proceeds to say:—

"I am not contending for the absolute control of the church over education, but that education, whether of the members of the church or of Dissenters, is not a thing apart from religion."

Notwithstanding which disclaimer, he does, however, directly afterwards, contend again for the absolute control of the church over education; quoting, from Chief Justice Holt, another judicial *dictum*, which, he says "states in terms so clear and comprehensive, that it is impossible to improve them by any amplification, how far education is connected with religion, and how far, consequently, it should be connected with the church." Holt, it seems, had laid it down, that, "without doubt, schoolmasters are, in a great measure, entrusted with the instruction of youth in principles; and therefore it is necessary they should be of sound doctrine; and, in order thereto, subject to the regulation of the ordinary"—*i. e.*, as Lord Stanley paraphrases and explains it:—

"Schoolmasters should be connected with the established church; they should be subject to the superintendence and spiritual control of the clergy of the establishment. Further than this I do not push the doctrine. Further than this I do not desire to interfere. I doubt not that some honourable gentlemen opposite think this is going far enough, and that it is going too far for some of them. But whether, in their judgment, it is going far enough, or a great deal too far, I repeat that, from the earliest times, this doctrine is sanctioned by the law and practice of England; that it is sanctioned by the authority of the clergy, and sanctioned by a higher authority than any earthly judge. For it is a principle interwoven with and united most intimately with the affections, aye, with the convictions, of the people of this country. * * * It is impossible not to ask the house and the country to consider whether or not those great points of doctrine and faith upon which the several sections of the Christian community conscientiously differ, and which yet are so interwoven with the great scheme of Christianity, and are so important in influencing Christian conduct and Christian motive, that they cannot be overlooked by the church or blinked by the people, or be complimented away for the purpose of conciliating persons of various denominations and opinions—it is impossible, I say, not to ask the house and the country to consider this question in its connexion with points of faith and doctrine. For instance, the great scheme of redemption, the doctrine of justification by faith, the efficacy of infant baptism, the solemn mystery of the holy eucharist; and yet one and all of

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these must be frittered away, one and all of these we must consent to cede at once, and put aside, as matters not to be treated of in public education, if we insist on adopting the government scheme of instruction. For, according to that plan, Baptists, Unitarians, Socinians, Quakers, and Roman Catholics—all those who differ upon any of these points, and differ conscientiously, are to be educated together. * * * When I see that these are main points of Christian faith and doctrine, believing that by them mainly motives must be produced in the hearts of our children, I cannot, from any fancied scheme of conciliation, consent to put into the background, I cannot consent to treat as matters of minor importance, I cannot consent to treat as matters of indifference, or to put aside those principles which I hold to be among the fundamental doctrines of that system of Christianity which is the religion of the established church of the country."

Exactly what the bigots had been saying, for eight years past, (and not altogether without that show of reason which was utterly wanting in this case) of Lord Stanley's own scheme of education in Ireland.

It is not, however, for one moment to be imagined, from all this rhodomontade, that the church claims—or that Lord Stanley would sanction the church in claiming—"an exclusive right of educating the population of the country." This pompous piece of sermon means simply nothing — except that the preacher wants to trip up the heels of the Whigs. To impute that either the church or Lord Stanley desires that educational monopoly which the constitution and law of this country confer—which Chief Justice Holt's clear and comprehensive judgment ratifies —which is sanctioned, not only by the law and practice of England, but by the authority of the clergy; and not only by the authority of the clergy, but by a higher authority than any earthly judge—would be a calumny. So far from the church or Lord Stanley desiring anything of the kind, she and he are both perfectly satisfied with "that system of education which, from the period of 1834 down to the present time, has been carried on"—the system of dividing state support between the Churchmen of the National Society and the Dissenters of the British and Foreign School Society. And he proudly asks, "Has anything betrayed a wish that there should be the slightest partiality in favour of the members of the established church, in the administration of the grants under that system?" That is to say, three-fourths of this elaborate and telling party speech are absolutely devoid of meaning or sincerity.

When, in addition to the preceding *hocus-pocus* of extravagant assumption and self-stultifying concession, we find the author of the Irish educational scheme of 1831 objecting to the govern-

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ment plan of 1839 (most absurdly, by the way) that it had a tendency "to induce a general belief that, in the mind of the legislature, an equal degree of authority is due to all versions of the Scriptures whatever, and that it is a matter of perfect indifference in what creed the population of this country shall be brought up;" that it "presented before the eyes of our youth, as of equal weight and of equal authority, matters which should be so carefully distinguished as distinct versions of the sacred writings, and essential differences in point of faith,"—we can only conclude, that Lord Stanley is a man who values the poor pleasure of making a good parliamentary hit at party opponents more than he does the honourable fame of the one solitary act of wise statesmanship which history will associate with his name.

Our delineation of Lord Stanley's political character would be incomplete were we to forget his recorded opinion—so characteristic of a despotic temper—on that fundamental point of public morality and constitutional law, the political freedom of the enfranchised, *the right of the voter to his vote.* It is true, that on this point, as on so many others, Lord Stanley had said very different and flatly opposite things at different times. In his Whig-ministerial advocacy of the Reform Bill, he stated that "it was one object of that bill to remove the influences," not only of "bribery and corruption," but also of "direct or indirect nomination;" these influences were "unjust, and inconsistent with the principles of our constitution."* And he vindicated, retrospectively, the disfranchisement of the 40s. freeholders in Ireland, on the ground that "they were not politically independent—they were beings totally and absolutely dependent upon their Protestant landlords"—they were "practically, in point of voting, nothing more than a part of the live stock upon the estate of the landlord." † But we can scarcely be doing Lord Stanley an injustice, if, passing by these semi-liberal utterances, as words of course, we assume the following more recent opinion to be the real and final one; the genuine Stanley image and superscription is on every word:—

"There is not in England this remarkable objection (which there is in Ireland) on the part of the landlords to the granting of leases. They have not the same aversion to the exercise of the franchise by their tenants, because, taking one with another, be they Whig, or

* March 4, 1831. The next year, however (March 22, 1832), we find him vindicating the Reform Bill on precisely the opposite ground—that it would leave "an ample number of small boroughs over which the legitimate influences of property might be exercised."

† May 25, 1832.

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be they Tory, be they gentlemen on one side of this house or gentlemen on the other, it is a matter of pride and satisfaction to the landlords of England that their tenants usually feel a desire to comply with their landlords' wishes. I neither seek to deny nor to apologize for it, while I condemn the exorbitant or undue exercise of the power. For, if it be pushed to an extreme, it is known that when any man attempts to estimate the probable results of a county election, it is ascertained by calculating the number of the great landed proprietors in the county, and weighing the number of occupiers under them."—'Parliamentary Voters (Ireland), February 22, 1841.'

Which is marvellously like saying that the English farmers are, as the Irish 40s. freeholders were (not quite truly) said to be—"practically nothing more than a part of the live stock upon the estate of the landlord." His lordship's exposition of the philosophy of the franchise, the morality of landlord and tenant, proceeds as follows:—

"I ask the house to consider the condition of the English landlord. If he finds one, or two, or three of his tenants exercising their own independent judgment, and, in consequence of the difference of their political views, taking an adverse course, it is understood, and creates no illwill. But if the English landlord found upon his estate a system of influence habitually exerted, by which all his tenants were prevailed upon in a body, and in every instance, to set themselves in opposition to his political views, an influence which he could neither avert nor control; I would ask, what would be the not improbable course which, under such circumstances, the English landlords would take? How could we blame the landlord, or how could we say it was unnatural in him to seek to obtain tenants under him whose influence would have no effect? I do not think that there could be any great animadversion on the landlord who said, 'I must have tenants who are not habitually subject to influence and interest habitually exercised.' But the landlord might not go this length. He might be restrained by motives of humanity or of justice, or by consideration for his tenants, from taking this step, and substituting tenants who concurred with him in opinion for those who did not. He might say, 'I have no quarrel with you as regards our respective positions of landlord and tenant; you are satisfied with me as a liberal landlord, and I am equally satisfied with you as an industrious and respectable tenant; but there is one source of irritation between us, which must exist so long as I perceive that upon all political occasions you are led to take a course opposed to that which I take; but this is the only point of difference between us; let it not interfere to produce any misunderstanding between landlord and tenant; but so long as it exists there must be irritation, and an interruption of the goodwill which is now maintained; you may feel confident in me, and you know that I shall not dispossess a tenant who does his duty in an agricultural point of view:—let us

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get rid of this franchise, therefore, and let us remove from between us this bone of contention.' I ask whether, in England, this would not be considered to be a fair and liberal course to adopt? * * * I contend that this is the natural course, and one to which very little exception would be taken in England."—*Ibid.**

We fear it very generally would be so considered by the order to which Lord Stanley belongs, and whose code of ethics he here undertakes to expound; but the frank avowal is his lordship's own. "Fair and liberal!" to treat an independent judgment in the exercise of a constitutional franchise and public trust as a nuisance—a thing tolerable, perhaps, on the small scale, in one, or two, or three instances—but to be got rid of summarily, franchise and all, in case of its proving infectious. He thinks it "natural," too; which it is—in a sense—as all iniquity is natural, in the presence of temptation and opportunity. And this person piques himself on being a conservative, constitutional statesman, a proudly honourable man—a RELIGIOUS man, too; so religious, that he brings the "great scheme of redemption, the doctrine of justification by faith, and the solemn mystery of the Holy Eucharist," into his parliamentary harangues. Yet it is hardly worth while being angry with Lord Stanley. The fault is less in him than in us, the English people. Whether by Whig or by Tory, by gentlemen on one side of the house or by gentlemen on the other, under a reform act or under a charter —no country will ever get itself well and honestly governed, where public opinion tolerates "great scheme of redemption," &c., in the mouths of men who disdainfully trample on the rights and franchises of their fellow-citizens.

Of Lord Stanley's more especially personal qualities of character, as exhibited in his parliamentary life, we need say little. They may be summed up in a word—*schoolboyish.* He is the clever, passionate, self-willed, tyrannical schoolboy of that debating club, the House of Commons. His highest idea of public life seems to be, making telling speeches, and gaining parliamentary triumphs over personal and party opponents.

* Such is this Conservative and religious statesman's respect for law and right, that he has publicly advertised his determination to evade, or violate, for the sake of his own landlord expediencies, any law which parliament may at any time enact for protecting the independence of the franchise :—

"If we had the ballot, I will say, as a landlord, that I would not only see whether the elector dependent on me voted, but I would see him put the ticket into the balloting urn. I do not mean to say that this would be a desirable course of proceeding, or a course that ought to be adopted by landlords, unless forced to it by expediency. But I, as a landlord, should be driven to that expediency if the ballot were employed, in order to satisfy myself."—*The Ballot,* June 2, 1835.

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A showy, unscrupulous rhetoric is his highest intellectual gift. His ideas are uniformly poor and mean, as his elocution is vigorous and imposing. He has a fine talent for making himself disagreeable. It is observable of him that he never jokes, except ill-naturedly; all his humour is ill-humour. Lord Stanley is a proud man, too; but his pride is without moral dignity. He throws about his words with a recklessness incompatible with a high, true self-respect. He parts from the political associates and friends of his youth (June, 1834) with "feelings of the deepest regret," with "no feeling of unkindness, or want of affectionate regard;" a month afterwards, he assails those friends with a speech full of "plunder," "spoliation," "flagrant dishonesty," "petty larceny," "highway robbery," "shop-lifting," "thimble-rigging,"—and all this, "from no motives of hostility towards his right honourable and noble friends, his late colleagues"—and whom he perseveres in "honourable-friending" for years afterwards, as if nothing had happened. His tastes in "honourable friendship" are, certainly, none of the most delicate. At present, his chosen right honourable friend and political chief is one whom he has insultingly complimented for "the ingenuity and art with which he knows so well how to dress up a statement for the house"—a description which no man who respected himself would apply to the most insignificant of his "friends." He has as little of the true pride of intellect, as of the pride of character. He adopts the Peel policy, speaks the Peel opinions, eats the Peel pledges, and wears the Peel livery, as obediently (if not as patiently) as any of the regular Treasury hacks. The ascendency which the ingenious and artful Premier seems to have acquired over this fiery spirit, shows that, with all his impetuosity of temper, his aristocratic *hauteur*, and his rhetorical dogmatism, Lord Stanley is not at bottom a man of an independent mind.

Lord Stanley's success in public life has, on the whole, been commensurate with his ambition. He has been a Secretary of State in two cabinets, and a parliamentary leader, formidable alike to friend and foe, in the front ranks of two parties. Of his statesmanship, history will, however, have little to record, except that all the countries with whose affairs he has been allowed to meddle—Ireland, Canada, the West India Islands, and New Zealand—have successively had reason to rue the day that gave this uncommonly clever man power over the rights and happiness of his fellow-creatures.

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ART. III.—*A Collection of the Public General Statutes passed in the Parliament holden during the Seventh and Eighth Years of the Reign of Queen Victoria.* London. 1844.

TO the bulk of the people, we believe the contents of the volume which parliament adds annually to the statute laws of England are a profound mystery. There is indeed a prevalent notion, that out of an infinity of talk, two or three important measures usually struggle into existence, that a few private and local bills get through the costly ordeal of their mysterious birth, and that sundry millions of supplies are most religiously voted; but this is about the sum of the popular impression of the doings of parliament. Comparatively little is known of the network of small law by which the business of life is silently trammelled. So much of the clamour of debate is evidently without a result or an object, that people are not led to suspect that anything effective can be noiselessly accomplished in parliament. Nothing can be more erroneous: each session contributes above a hundred new statutes to the operative law of the land, many of which alter existing laws and affect large classes of society, and some directly the whole community. For lawyers only is there easy access to a knowledge of these new acts. They are either buried at the Queen's printers, couched in a jargon unintelligible to ordinary readers, or briefly described in works like Tarrant Harrison's excellent 'Digest,' along with a shoal of other legal matter, at a cost which puts them equally out of the reach of the people.

To remedy in some measure this defect, we will take a general view of the doings of the session, and endeavour to rescue the meaning of some of the more important acts from that obscurity of language by which their legislative design has been concealed from the public.

We need hardly say how much there is in the object and matter, as well as the style of statute law, which requires amendment. There is, in the first place, no better evidence than our statutes afford, that a redundancy of words weakens meaning. Composition is generally clear and forcible in proportion to the brevity of sentences. True it is, there is often beauty of style in amplification, but never strength. Short phrases and separate sentences are the fit medium of all strong thoughts and essential commands. The Normans introduced long words, and poets and comedians naturally adopted them. Imagery requires fulness of expression as well as richness of idea; but business does not. Saxon words form the business language of England; and in it acts of parliament ought especially to be framed. This

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truth applies even more forcibly to short sentences than to short words. Plainness of meaning is surely a main object in the expression of laws which the unlettered are bound to know and obey as well as the learned; and plainness of meaning is almost identical with a separate sentence for each separate idea. Our statutes appear to be framed on directly contrary principles, and even in one of the shortest acts of the last session the confusion of style and misapplication of words has produced an effect opposite to that intended. In the act to indemnify persons connected with art Unions (cap. 109), the enacting clause is as follows:—

"Be it enacted, &c. that all such art Unions, and all members, contributors, subscribers, distributors, or officers thereof, and persons acting for them or on their behalf, and all other persons acting as distributors of works of art as aforesaid, or persons acting under their authority or on their behalf, shall, so far as relates to persons other than members of the said art Unions, or persons acting on their behalf [*quere*, sub-agents ?] be discharged and freed from all suits, prosecutions, liabilities, pains and penalties, to which by law they may be liable as being concerned in lotteries, littlegoes, or unlawful games, for anything done or which may be done by them or any of them herebefore or before the 1st of October next ensuing the passing of this act."

And here the clause ends as far as non-members are concerned, clearly exempting them from liability for *any sort of illegal gaming* they may have committed or might choose to commit before 1st October 1844. Then follows another long clause, giving the same immunity to members until July next, but restricted to illegalities "*touching the purchase of any such pictures or other works of art or other sale or distribution thereof by chance or lot;*" a restriction which does not apply to non-members—the whole of this, occupying twenty-three lines, which fails in enacting what it designs, might be thus correctly expressed in a third of the compass:—

> Be it enacted, &c., that all members of and subscribers to the said art Unions be discharged and freed from all legal liability under the laws in force against lotteries and unlawful games, for anything done by them in respect of the said art unions before the 31st day of July next. Be it further enacted, that the said discharge from the said liability be likewise extended to any persons who have acted or shall act under the authority and in behalf of the said art Unions, not being members of or subscribers thereto, for anything done by them in respect of the said art Unions before the 1st day of October next.

We cannot load our pages with the grotesque vandalisms of

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parliamentary literature; but we commend the study of them to those members of the senate who deem it useful that their laws should be read and their labours appreciated.

Any ready writer acquainted with his mother tongue would express and re-write all that is contained in the 1300 mortal foolscap pages, to which the acts of last sesion extend, in less than half their compass with great gain in force and perspicuity. We have taken the trouble of making a rough estimate of the number of words contained in these statutes, and find it amounts to 762,000! Now the whole Bible is comprised in very few more words; whilst the New Testament contains only about 198,000. Thus the entire code of Christian law, with the history of its Author, is comprised in about one quarter of the words which the Imperial Parliament uses to express the laws it enacts in a single year! This is no fanciful evil of hypercritical birth. It is a very serious grievance, giving rise to constant and costly litigation. The confused and illiterate language of acts of parliament, it is said, has not cost the people afflicted by falling within their operation less than a million sterling within the course of a few years. A learned judge not many years ago said, "God forbid I should be expected to understand all the statute law of the land!" But why is this? What conceivable excuse can there be for not expressing with the utmost plainness that which the poorest and humblest subject is required to know, understand, and obey?

The defects of statute law seem to arise in a great measure from its magnitude. The public acts alone already fill five-and-thirty quarto volumes, measuring nearly three yards in thickness; of which two feet only belong to the period from Magna Charta to the reign of George III; the subsequent six or seven feet of quarto law being the exclusive produce of the last eighty years; and of which about one-third part is the growth of the last twenty years. Of the number of individual statutes contained in this mass of typography we really can form no idea. We have measured the outside covers, but broke down in a patient endeavour to count the separate acts they enclosed by the time we got back to the beginning of this reign; after ascertaining, however, that our present gracious Majesty is already the parent of 805 Statutes! It is true that this huge pile of enactment is small when compared with the materials professedly used in its foundation. Commissions of inquiry, reports, accounts, and the whole mass of huge folios which decorate fifty yards of shelf in the Reform Club, and which are mainly the offspring of the reformed parliament, could hardly be expected to produce less than a tithe of fruit. It would be improper to question whether the august

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assemblies which have made the country pay for the collection of all this knowledge at an enormous cost, have read it themselves? The vacations are doubtlessly devoted to its perusal; and the mind is lost in admiration at the concentration of analytical and intellectual power which, having first digested these leviathan tomes, can afterwards mould and enact laws for the empire at the rate of a statute per night! Deducting Sundays, Saturdays, recesses, idle Wednesdays, and countings out, from the interval between the assembling and prorogation of parliament, the real working days of last session were scarcely more than one hundred, during which one hundred and thirteen public acts were framed and enacted, besides one hundred and fifty-seven private bills, or acts affecting local or personal interests!

The common law of the land consists of principles growing and dwelling in men's minds from the heptarchy downwards. In the application of these great principles, the judges of the land, well versed and profoundly skilled as they are in the spirit of these great maxims, and the light of foregone judgments, are wont nevertheless to deliberate before a decision is pronounced, although the case may be one relating but to a single point in an individual suit where two persons' interests are alone concerned. Considering that the bulk of the time of parliament is occupied by fruitless debates on vexed questions, the conclusion is irresistible, either that its laws, affecting millions, are made without its reflection, or that its members are miracles of mental power.

In whom practically rests the power of framing laws is a question into which it would be foreign to our present purpose to enter. That such power is not exercised by the automaton parliament in whose name acts are passed, is a matter beyond the possibility of a doubt. A deliberative assembly, working only the same time as the houses of parliament, could not produce above one-half of the statutes with which the country is now deluged, were they the most active inquirers and thinkers in the land. If the acts passed were the result of the patient reflection and informed minds of even a few patriotic men, adopted by the body on the faith of the character and capacity of the suggestors, the evil would be theoretical rather than practical. It is far otherwise. The statutes especially under this ministerial dynasty evince a spirit of crude and officious legislation, calculated to inflict serious evils upon the people. Whilst matters of grave importance are scarcely tolerated even in discussion alone, affairs which have always been left to the arrangement of the parties interested, and which naturally belong to the ordinary business of life, are invaded by the restless mania of enactment, and

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trammelled by go-cart laws, which would alone befit a community of children.

We never happened to hear of any peculiar oppression afflicting merchant seamen, who appear to most people to be as competent to take care of themselves as the ordinary run of the Queen's subjects. For some mysterious cause, however, they have been selected for the especial interposition of the laws, and a class of Britons more carefully enveloped in parliamentary protection, whether at home or abroad, on land or water, never yet blessed their happy lot than Jack tars under the paternal shelter of cap. 112. None of them are to embark henceforth without satisfying the solicitude of the legislature on eleven branches of their personal history, duly scheduled in the act in the form of queries,* which begin in the fashion of the church catechism, and proceed through the events of their lives at home and abroad, from their first birth downwards; and this being duly recorded, they are supplied with a register ticket. (See sect. 20.) Registered and ticketed, the sailor is so far ready to be shipped, and proceeds on board, where he might, but for the providence of parliament, expect to be allowed to make his own bargain with the captain. No such thing: five sections and a brace of schedules regulate and control this personal matter. The very words of the agreement are ready prepared and enacted between them with a sort of tabular tail, recounting the above-named domestic and marine history of each sailor reduced to statistical forms.† All this is to be signed and attested and afterwards delivered to the comptrollers of customs.

We cannot undertake to give even a general outline of the kindness of parliament evinced in its minute regulation of the terms of the contract to be henceforth made between the parties. The general wisdom of the interference may be gathered from this brief selection:—First, the agreement empowers the master to reduce the wages agreed upon in proportion to the incompetency of the sailor for the duty he is to perform. The mode of recovering wages under 20*l.* is by summary jurisdiction on application to any single justice of the peace, who in case of contested right of reduction is of course to be sole judge of naval competency! (See sect. 15.) Secondly, the exact wages are to be stated in the agreement, which wages the legislature allows the seaman to fix for himself, but expressly forbids him to forego any claim "to salvage or reward for salvage services," and no agreement to forego it shall be valid or binding, however

* Schedule F.

† What a store of fresh food for the 'Statistical Society!'

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willingly he may "consent or promise" to do so. Other clauses follow, which may possibly be more useful than vexatious in their operation, designed to enforce precautions against scurvy, by prescribing the quantity of sugar and vinegar to be given, under penalties, when the crew have been ten days on salt meat. Seaport tradesmen and lodging-house keepers next fall within the discursive operation of legislation for sailors; and it is enacted that "no debt exceeding 5s. incurred by any seaman after he shall have engaged to serve, shall be recoverable until the service agreed for shall be ended; nor shall it be lawful for any keeper of a public house, or of a lodging house for seamen, to detain any chest, tools, or other property of *any* seaman for *any* debt alleged to have been contracted by him;" and only by going before a justice of the peace can the creditor enforce his right of lien in *any* case against any seaman, whether engaged or not.* (See sect. 10.)

We need hardly say that this right of lien is one of the oldest principles of the common law of England, and one uniformly respected by the custom of the country and all courts of justice until infringed by the act before us. It will also result, from this headlong violation of the law of contracts, either that no seaman in service will be enabled to obtain a day's credit for any lodging or other accommodation he may require, however long a vessel may remain in port, or the dealer will be at his mercy for payment.

This act purports to afford all due encouragement and protection to seamen, and to promote their increase; since the "prosperity, strength, and safety of *this* united kingdom and her Majesty's dominions do greatly depend on a large, constant, and ready supply of seamen." It may be that some defects have attended the system of the merchant navy service; but does it follow that the first series of regulations submitted to parliament are a fit and proper remedy, simply because they may appear to remove those defects? Supposing even they answer the end in this case — which we are far from admitting — may not other grievances of greater weight be created? Is there no evil in a minute interference with matters ordinarily left to the management of those they concern? Is there no grievance to the subjects of a free state in being harnessed and harassed by the meddlesome legislation of a body so eminently incompetent to

* There would have been some propriety in this regulation if confined to the recovery of debts contracted for intoxicating liquors, but a law which deprives the creditor in every case of all security, renders the debtor an outcast. Under the new act, a sailor, when his money is gone, will have no refuge but in the lowest class of dens, where he may in a moment be robbed of the contents of the chest so anxiously protected by the legislature.

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understand the minutiæ of crafts and the thousand considerations which spring from the ramified relations, claims, duties, and diversities which pervade the vast world of working life? In all cases legislation, which affects large branches of industry or commerce, can alone be warrantably applied after long, patient, and well-instructed reflection. *Laissez faire* is the life-spring of industry—the soul and spirit of a trading people; all laws affecting it are and must be restrictions—restrictions justified alone by the grave necessity which evokes the interposition of law, and by the wisdom, prudence, and adaptation of the remedy it applies. But in what terms shall a free nation speak of the spirit and judgment of a parliament which, to the already fettered condition of a mighty arm of England's greatness, gravely adds a tissue of petty regulations in utter disregard of all established law and of personal and of mercantile freedom, for which precedents alone exist in our foundling hospitals and infant schools! In the management of the royal navy, or in the direction of any *national* establishment, this species of minute legislation might possibly be justified; but towards a pure branch of the private trade of the country, we believe this act to be replete with arbitrary and vicious interference.

The act for registering and regulating joint-stock companies (cap. 110), is to some extent of the same genus. True it is, that a new feature in commerce requires some prudent moulding into an expedient and fixed shape for the general good; but here again occurs the necessity of restricting interference within the smallest practicable limits consistently with the object in view, lest we break down that self-dependence which is the backbone of freedom and weal in a commercial country, which nerves and empowers enterprise, and fits men to meet for themselves those myriad contingencies which no law can foresee, and for which no fixed rules can provide. This principle is infringed by the act we have cited, which requires every deed of settlement of every joint-stock company to make provision for thirty-eight purposes set forth in a schedule to the act. Not only the companies, and a variety of particulars concerning them, but all the bye-laws they may make, are to be registered at the Board of Trade. Cap. 113 is another act for putting joint-stock banks into leading strings. There is too much of centralization in all this for the welfare of an independent people, who do not desire that parliament should supplant all forethought and prudence on their part by its officious spirit of universal regulation. *Caveat emptor* is a good maxim, and provides a far better preventive of possible fraud than a cartload of statutes.

There are, it is true, some useful provisions in these acts, and

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in others of the hundred and thirteen with which parliament had this year enlarged our existing stock; but we are constrained to say that two-thirds of the acts of last session, on a moderate estimate, are either the offspring and continuance of existing abuses, or intrinsically worthless. The omissions, moreover, render certain frivolous objects of enactment more glaring and obnoxious. Whilst local courts and prompter justice for a million creditors are postponed *sine die*, an act is passed to improve the regulation of bailiffs in inferior courts, and to metamorphise a presiding chairman into an assistant judge at one court of quarter sessions. The enormous restrictions on trade remain; but there is especial legislation to reduce (not abolish) the tax on vinegar, and the excise on flint glass (cap. 28); and to provide for the sweeping of Trafalgar square. (Cap. 60.)

The Dissenters' Chapel Act is a valuable measure of legislation, for which great credit is due both to Whig and Tory leaders; and the Election Committee Act, and the Bank Charter and Poor Law Amendment Acts, have at least useful aims. The Indemnity Acts, to relieve the lordly gamblers of the turf, were worthy of the most profligate and venal times which ever disgraced parliament; but comment upon these would lead us far from our present design. We proceed to our task of analysis:—

PUBLIC ACTS OF 7TH AND 8TH VICTORIA.

ANNIS, 1843-4.

I, § 6 . .	To enlarge powers of Commissioners of Woods to raise Money for certain Improvements in the Metropolis.—*To take effect from the 5th March*, 1844.	This act increases the powers given by 4th & 5th Vict., c. 40. It enables the Bank of England to lend money to the Commissioners on the mortgage of the lands belonging to the Crown, for the purpose of carrying out the improvements and new streets in the metropolis, limiting such loan to 250,000*l*. It incorporates the Commissioners of the Woods and Forests for this purpose.
II, § 5 .	For the speedier Trial of Offences on the High Seas. — *Idem.*	The effect of this act is to enable such offences to be tried by the Judges of Assizes and others, wherever the offenders are committed to custody; and no special commission for the purpose is any longer necessary.
III, § 6 .	To stay Proceedings in certain Qui Tam Actions for unlawfully Gaming.—*Idem.*	The effect of this act was to relieve the parties who had fallen under the scope of Queen Anne's Act against gaming (which includes cer-

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tain bets on the turf), wherever such actions had been begun by other parties than those who were actual losers. Such actions were to be stayed, however, only for three calendar months; and the act expires with the session.

IV, § 26	For Transfer of 3½ per cent. Annuities, 1818, into 3*l.* 5s. per Cents., and New 3 per cent. Annuities.	
V, § 26	Similar Act.	
VI, § 8	To make Exchequer Bills to the amount of 8,000,000*l.*	
VII, § 3	To indemnify Witnesses who give Evidence about Gaming Transactions.	A committee had been appointed to examine into these transactions.
VIII, § 2	To recover by summary process small Sums due to the Teachers of Irish Schools. — *The five preceding Acts take effect from the 22nd March,* 1844.	
IX, § 81	For punishing Mutiny and paying the Army. — *From the 2nd April,* 1844.	This is the annual act, without which a standing army is illegal. The number of the forces adjudged necessary this session is 100,295, exclusive of the Queen's troops in the East Indies.
X, § 7	To indemnify Persons who have omitted to qualify themselves for Offices and Employments.—*Idem.*	This is an annual act also, which in effect prolongs the time for a year, during which these qualifications may be completed without forfeiture of office. To make the same act at once perpetual would, it appears, be too great a concession to the principle of universal toleration.
XI, § 71	For the regulation of H.M. Royal Marine Forces while on shore.—*Idem,*	The Annual Mutiny Act. This and the two preceding acts might have been renewed in ten lines. They now occupy 100 pages, an annual benefit to the Queen's printers.

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XII, § 21 . To amend the Law of International Copyright. — *From* 10*th May*, 1844.

This is a sort of rider to the "Copyright Amendment Act" (5 and 6 Vict., c. 45.) It repeals the previous Act of 1 and 2 Vict., c. 59, and enacts in its stead that the Queen may by order in council direct the period during which foreign authors, &c., shall have privilege of copyright for their works in England; such period not to exceed that of the same privilege then enjoyed by British authors. All enactments also in force as to Prints, Sculptures, and Dramatic pieces, shall likewise apply to similar foreign productions; subject to the provisions of such order in council, and to the registry of all works and productions, together with the names of the authors (unless anonymously published), at the Company of Stationers, to whom a copy of such works shall be presented. If the work be anonymous, provision is made for the registry of the publisher's name only on his behalf. Registry to be *prima facie* proof of rightful first publication. The act also prohibits the importation here of any foreign work printed in a third country, of which the original author has obtained the entry here. So that Belgian piracies of Parisian books having copyright here are now contraband. The copies presented to the Stationers' Company are to be afterwards, within a month, deposited at the British Museum. No order in council to have effect unless reciprocal protection of copyright for British works in the foreign country be first secured and stated in the order.

XIII, § 5 . Extends time for conveying Encroachments and settling Disputes in the Forest of Dean, till the 1st of Jan., 1845. — *From May* 10, 1844.

XIV, § 7 . For the raising of 18,407,300*l.* by Exchequer Bills.—*Idem.*

XV, § 74 . To amend the Laws relating to Labour in Factories. —— *From October* 1, 1844.

The chief features of this act, divested as it was, by the efforts of the Dissenters, from its designs against the freedom of education, are as follows: — The sub-inspectors are to have power to enter factories at all hours of the day or night; to take with them the certifying surgeon and a peace-officer; to inspect registers, and to examine children. § 3.—A new central office for the inspectors to be opened in London. § 5.—Appointment of surgeons is vested in the inspectors. § 8 and 9.—There are many detailed rules for the granting of surgeons' certificates as to age, &c. § 10 to § 17.—Clauses follow which regulate the whitewashing, attention to machinery, &c. Accidents and notification of them are provided for. Registers are to be regularly kept after a prescribed form. § 27.—In which the childrens' names, ages, and hours of work, with some general particulars, are required to be entered. The proprietors are required to send the inspector

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extracts from these registers, and any other information he may require, but such information so sent not being in the register, is made inadmissible against the proprietor as evidence in any proceeding against him. § 27.—Children may be employed as soon as they have completed their eighth year, but not sooner. It was previously nine. Whilst under thirteen years old they must work only six hours and thirty minutes in one day, unless they dine at one, in which case they may work seven hours. The limit was previously eight hours. But where young persons (above thirteen and under eighteen years of age), work ten hours per day, in such cases children may also work ten hours on each alternate day of the week, provided that the parent cause the child to attend to be instructed for not less than five hours on each day preceding such employment, Sundays excepted. Notice to be sent to the inspector of such arrangement, and certificates of school attendance are required. § 31.—It thus follows that though there is no prohibition against the working of young persons for full time, an inducement is held out to restrict their labour to ten hours, by enabling the employment of children for that period where it is so restricted. The previous law limiting their labour to twelve hours per day, with prohibition of night work (3 and 4 Wm. IV, c. 109, § 2), remains, however, in force, with additional provisions for working to make up for lost time under strict limitations. § 33 and 34.—Additional regulations as to holidays and meals follow. Then come the new school clauses. They provide that the children (that is, under thirteen), shall attend "some school" for the three hours in every working day, between eight and six o'clock, provided he shall attend school after one o'clock, in which case two and a half hours' attendance suffices. The inspector may require the proprietor to pay a sum *not exceeding twopence* per week towards the expenses of this education. The following provision is then made for the adequacy of the instruction to be given. If the inspector or sub-inspector "shall be of opinion that any schoolmaster who grants certificates of the school attendance of children employed in a factory, is unfit to instruct children by reason of his incapacity to teach them to read and write from *his gross ignorance*, or from his not having the books and material necessary to teach them reading and writing, or because of his immoral conduct, of his continued neglect to fill up the certificates," &c., then the inspector may annul the certificates granted by such disqualified teacher. § 39.—Anything short of immorality and "*gross ignorance*" in the instructor, passes muster by law. Complaints, when brought for infraction of rules, are to be preferred within two months of the perpetration of them. § 44.—Arbitrators may be appointed to examine the state of machinery, and decide on the possibility of fencing it when complaints have been alleged on that score. § 43.—There are several minor regulations as to the mode of enforcing penalties and summoning offenders and witnesses.

XVI, § 14 . To amend the Laws relating to Customs. —*From the 6th June*, 1844.

This act alters certain duties imposed by 5 and 6 Vict. c. 47, foreign coffee being reduced from 8d. to 6d. per lb., cocoa from 4d. to 2d. The excise duty on flint and cut glass imported reduced from 1*l.* to 7*s.* per cwt; vinegar from 18*l.* 18*s.* to 4*l.* 4*s.* per tun; currants from 1*l.* 2*s.* 2*d.* to 15*s.* per cwt. The duty on alpaca and llama wools and olive oil in flasks is repealed. Tobacco stalks are to be deemed tobacco. 100*l.* is imposed on persons smuggling on board foreign mail packets. Persons, upon a second conviction for an offence

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against the customs, may be imprisoned and kept to hard labour from six to twelve months.

XVII, § 5 .	For giving additional powers to the Commissioners for the Relief of her Majesty's Colonies and Plantations in the West Indies.—*Idem.*	
XVIII, § 8 .	To remove doubts as to the power of appointing and confirming the Sentences of Courts-Martial in the East Indies.—*Idem.*	
XIX, § 10 .	To regulate the Bailiffs of inferior Courts.—*Idem.*	
XX, § 4 .	To amend an Act of the 1st and 2nd years of her present Majesty for securing the Debt due by the City of Edinburgh to the Public.—*Idem.*	
XXI, § 10 .	To reduce Stamp Duties in Policies of Sea Insurance; to repeal Duties on certain Bonds, and the Law requiring Public Notaries in Ireland to deliver Account of Bills and Notes noted by them.—*Idem.*	The new stamp duties on sea insurances range from 3*d.* where the premium does not exceed 10 per cent. on the sum insured, to 4*s.* where it exceeds 50*s.* per cent. It also materially reduces the stamp duty on all common agreements, which is now lowered to 2*s.* 6*d.* on the same amounts, previously 1*l.* under 65 Geo. III, c. 184. They may be stamped fourteen days after signature without penalty. Proxies, moreover, to vote at joint-stock companies' meetings are treated as powers of attorney, and charges the letter or power appointing them with a stamp of 2*s.* 6*d.*, imposing a penalty of 50*l.* for voting without a stamped power. The chief object of this act was to enable English underwriters to compete with foreign. The stamp duty upon fire assurances (a bonus to improvidence) is left untouched.
7 and 8 Vic. XXII, § 19 .	To amend the Laws for preventing Frauds	This act reframes the regulations for marking standard

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	and Abuses in marking Gold and Silver in England.—*From 4th July*, 1844.	gold and silver wares, and inflicts new penalties on counterfeit marks.
XXIII, § 2 .	To continue the Act for the better Punishment of Assault in Ireland for Five Years. —*Idem.*	
XXIV, § 5 .	For abolishing the Offences of Regrating, Forestalling, and Engrossing; and for repealing certain Statutes passed in restraint of Trade.—*Idem.*	Not only by statute, but by common law, it was hitherto a criminal offence to buy goods on their way to market with a view of reselling at an enhanced price. A variety of similar enactments and laws (some to regulate prices and wages) remained in force up to the passing of this act, which repeals no less than 38 acts, and also abolishes the common law offences. This is done in conformity with the advice of the Criminal Law Commissioners, who have exhumed many equally feudal statutes.
XXV, § 15 .	To repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass.—*Idem.*	
XXVI, § .	To authorise her Majesty to carry into immediate execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade.—*Idem.*	
XXVII, § 2 .	To explain and amend an Act for extending to Ireland the provisions of the Act for the Limitation of Actions and Suits relating to Real Property.—*Idem.*	An act framed solely to remedy a blunder in a former act.

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XXVIII, § . To grant certain Sugar Duties to her Majesty, until 5th July, 1845.—*From* 10*th Nov.* 1844.

This was the act which gave rise to the recent discussions, and the schism in the ministerial ranks upon the amendment of Mr Miles. It fixes the duties payable on slave-grown brown or muscovado or clayed sugars not refined at 3*l.* 3s. per cwt.; but if of the growth of British possessions either in America or the East India Company's territory, at 1*l.* 4s.; and on Chinese and all such sugars as are imported from foreign countries, which her Majesty in council shall declare to be admissible as *not* being the produce of slave labour, at 1*l.* 14s. per cwt. Certificates of the origin of the sugars imported are required by the act. This takes effect on the 10th of Nov. £3,000,000 are empowered to be raised by exchequer bills to supply the public service.

XXIX, § 2 . To extend the 9 Geo. IV, c. 69, for the more effectual Prevention of Persons going armed by Night for the Destruction of Game.—*From* 4*th July*, 1844.

XXX, § 5 . To alter and amend the 53 Geo. III, c 72, for the Appointment of a Stipendiary Magistrate to act in the Townships of Manchester and Salford.—*Idem.*

XXXI, § 38 For warehousing Foreign Goods for Home Consumption at the Borough of Manchester.—*Idem.*

XXXII, § 29 To regulate the Issue of Bank Notes and for giving the Governor and Company of the Bank of England certain Privileges for a limited period.—*From* 31*st Aug.* 1844.

This important act directs the bank to establish a separate department for the issue of notes; to which issue department, securities to the value of 14,000,000*l.* are to be transferred by the company, together with so much of gold and silver bullion as shall not be required by the banking department; the issue department is thereupon to deliver to the banking department such an amount of bank notes as shall, with those in circulation, be equivalent to the securities and bullion transferred to the issue

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department. The banking department may diminish, but must not increase the said securities beyond 14,000,000*l.*, neither must they issue any further amount of notes except for other notes, or fresh securities, or bullion received, as afterwards provided. The silver bullion is to be limited to one-fourth part of the gold bullion held at one time by the issue department. The issue department is bound to purchase of all persons all gold bullion presented, of standard value, at the rate of 3*l.* 17*s.* 9d. per ounce. No new bank, not in existence on 6th May, 1844, can issue any notes; but whenever any then existing bank shall cease to issue notes, the Bank of England may, by order in council, be permitted to increase the securities in the hands of the issue department by two-thirds only of the amount of the notes so ceased to be circulated. After the 10th Oct. 1844, no banker shall issue a larger amount of notes upon an average of four weeks than he issued during the average of twelve weeks previous to 27th April, 1844, according to the return made under 4 and 5 Vict. c. 50. In case of an excess, the banker offending shall forfeit the amount of it as a penalty. Provisions are also made to ensure returns of the amount circulated by bankers. The Bank of England may compound with other banks to the amount of 1*l.* per cent. upon the circulation they may forego in favour of the Bank of England, until 1st August, 1856, or until the issue of bank notes may be wholly prohibited by parliament. The prohibitions in this act do not extend to the acceptance or endorsement of bills of exchange within 65 miles of London. It is also provided that a weekly account be rendered by the Bank of England and published in the 'Gazette,' and also of the amount transferred to the issue department. Such are the leading features of the new act, which may be called an act for the limitation of issues.

XXXIII, § 9	To facilitate the Collection of County Rates and for relieving High Constables from attendance at Quarter Sessions in certain cases and from certain other duties. —*From 19th July*, 1844.
XXXIV, § 33	To amend and continue, till 1st Sept. 1861, the Law with respect to Prisons and Prison Discipline in Scotland.—*Idem.*
XXXV, § 4 .	To suspend, till 31st Aug. 1845, the making of Lists and the Ballots and Inrolments for the Militia of the United Kingdom. —*Idem.*

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XXXVI, § 2 — To continue the Turnpike Acts for Ireland until 31st July, 1845.—*Idem.*

XXXVII, § 6 — To secure the terms on which Grants are made by her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the 5th of Vict. for the Conveyance of Sites for Schools.—*Idem.*

This act provides, that where inspection has been a condition of a grant of public money for building, &c., that it shall be binding on the trustees of such schools, though not inserted in the deed whereby the site was conveyed; provided that such condition was set forth in writing, signed by the trustees or the party conveying the site. It provides also, that where endowed schools apply for grants to repair, rebuild, &c., that the trustees not having power to secure inspection, it be henceforth lawful to inspect such schools, receiving grants.

It is also enacted, that the death of a donor within twelve calendar months of a grant of land, &c., for a school, shall not invalidate the grant; provided, as before, that the site of such school so granted do not exceed one acre in extent. It further provides, that sites may be granted to the incumbent and churchwardens of the parish without joining the overseers in the trust; the object apparently being to place the school wholly under the influence of the church. The incumbent may grant glebe land also for the site of a school.

XXXVIII, § 3 — To amend an Act of last Session to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland.—Idem.*

XXXIX, § 1 — To exempt from the Payment of Property Tax the Dividends on certain Annuities of 3*l.* 10s. per cent. payable for the Quarter of the Year ending 10th Oct. 1844.—*Idem.*

XL, § 2 . . — To continue Exemption of Inhabitants of Villages, Townships, &c., to be rated as such in re-

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spect of Stock in Trade until 1st Oct. 1845.—*Idem.*

XLI, § 2 . To continue Turnpike Acts of England till the 1st of August, 1845.—*Idem.*

XLII, § 2 . To continue Two Acts for the Removal of Poor Persons born in Scotland and Ireland, and chargeable here, till the end of the then Session of Parliament after October 1, 1845.—*Idem.*

XLIII, § 23 . To amend the Laws relating to the Customs in the Isle of Man.—*Idem.*

The spirit and object of this act will be best understood by the following extract from a series of resolutions adopted on the 31st of October, by a general meeting of the inhabitants of the Isle of Man, held at the Court House, Douglas:—

Resolved,—"That to the untiring zeal, ability, and philanthropy with which Dr Bowring, M.P., has advocated the cause of the Manx people in his place in parliament, and with the ministers of the crown, we are mainly and deeply indebted for procuring the insertion, in the New Customs' Act, of the most important clauses therein contained, and especially those by which the harbour dues, hitherto pressing so heavily on the mariner and the merchant, are totally abolished, and the harbours of the island declared to be free; by which the licence system has been for the most part repealed; the comforts of life placed within the reach of the poor man as well as of his richer neighbour; bonded warehouses permitted on the island, and the bonded warehouses of the United Kingdom opened, from which we can export every description of foreign goods to this island free of duty; those oppressive duties on imported goods, the 2½, the 5, the 10, and the 15 per cent., annihilated; the privilege of exporting exciseable goods on drawback continued; and the trade of the island made coastwise with the United Kingdom. Therefore, our cordial and hearty thanks are most deservedly due, and are hereby given, to Doctor Bowring, for his very great exertions on behalf of the commercial interests of the inhabitants of the Isle of Man."

XLIV, § 17 . To facilitate the Disjunction of extensive Parishes in Scotland. —*Idem.*

XLV, § 3 . To regulate Suits relating to Meeting Houses and other Property held for religious purposes by Dissenters.—*Idem.*

This act is the result of the attempt to dispossess the Unitarian body of certain places of worship long enjoyed by them, on the pretext that the founders were of a different persuasion. The act extends to an obnoxious sect the

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right of prescription enjoyed in all other cases, and is, in effect, a new Statute of Limitations. It provides that where the trust deed of any chapel does not express or direct some particular religious doctrines or opinions or mode of regulating worship to be observed or abstained from, the usage for twenty-five years shall be conclusive evidence that the doctrines, &c., held therein for that period, may properly be taught—an important principle, the recognition of which is favourable to progress in religious truth; and the right and title of the congregation to hold such meeting house, with burial ground, school, minister's house, to raise funds, &c., shall not be called in question on account of such doctrines so being taught. But where particular doctrines, &c., are directed by the trust deed to be promoted, there the minister's house, school, and fund, shall be applied to such purpose, the usage to the contrary notwithstanding. The act does not affect any judgment of a court of law already pronounced.

XLVI, § 8 .	To continue until the 5th of April, 1846, Composition for Assessed Taxes; and to amend the Laws relating to Duties under the Management of the Commissioners of Stamps and Taxes.—*From the 29th July*, 1844.	
XLVII, § 6 .	To amend and continue for Five Years, and to the end of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures of Ireland.—*Idem.*	This act removes the *minimum*, but leaves the maximum penalty previously inflicted by the 5th & 6th Wm. IV., c. 27, for violation of its provisions, and enacts that the time for selling linen in open market shall be extended to between the hours of ten and two o'clock throughout the year.
XLVIII, § 2	To repeal the Acts regulating the Trade in Butter and Cheese.—*Idem.*	The repealed acts were to prevent frauds in packing and weighing.
XLIX, § 11 .	For the better Regulation of Colonial Posts.—*Idem.*	This act is chiefly to authorise the rates of postage already established by the Postmaster-General, and to empower the Commissioners of the Treasury to alter them hereafter by warrants, as they may think fit, to be published in the 'London Gazette.'
L, § 5 .	To extend the powers of the Act for en-	

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	couraging the Establishment of District Courts and Prisons. —*Idem.*	
LI, § 1 .	To continue till the end of the Session pending on the 31st day of July, 1846, certain of the Allowances of the Duty of Excise on Soap used in Manufactures. —*Idem.*	
LII, § 5 .	To extend the powers of the Act for the Appointment and Payment of Parish Constables.—*Idem.*	
LIII, § 1 .	For the Disfranchisement of the Borough of Sudbury. —*Idem.*	On the ground that systematic and extensive bribery prevailed at the last Sudbury election.
LIV, § 2 .	To continue till the end of the Session pending on the 1st of October, 1845, the Act to amend the Laws relating to Loan Societies.—*Idem.*	
LV, § 9 .	To amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Copyhold and Customary Tenures, and for facilitating their Enfranchisement.—*Idem.*	This act makes further regulations as to the costs of commutation and other minor matters.
LVI, § 6 .	Concerning Bans and Marriages in certain District Churches and Chapels.—*Idem.*	This act gives power to the ecclesiastical commissioners and the diocesan to decide in what district chapels bans shall be published and marriages performed. It

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renders valid all marriages performed illegally in such chapels.

LVII, § 1 — To continue until the end of the Parliament sitting on the 31st of December, 1846, the 10th Geo. IV, c. 22, for the Government of Western Australia.—*Idem.*

LVIII, § 3 . — Further to stay, until the end of the next Session, the Actions already stayed by c. 3, during this Session. —*Idem.*

LIX, § 6 . — For better regulating the Offices of Lecturers and Parish Clerks.—*Idem.* — This act empowers the bishop of each diocese to require lecturers to perform other clerical and ministerial duties; and it empowers incumbents to appoint persons in holy orders to be parish clerks, and to assist ministerially. It further empowers archdeacons and other ordinaries to remove or suspend parish clerks, being laymen, for misbehaviour, proved before them by witnesses on oath.

LX, § 5 . . — To provide for the Care and Preservation of Trafalgar square. —*From 6th August*, 1844. — The Commissioners of Woods and Forests are empowered to pave, cleanse, light, water, and repair the square.

LXI, § 8 — To annex detached parts of Counties to the Counties in which they are situated.—*From 20th Oct.*, 1844. — The parts annexed are to form part of the hundred which they mostly adjoin, unless the justices in quarter sessions shall adjudge them to be separate hundreds. Criminal proceedings and deeds not to be invalidated by wrongly describing the county to which such parts did or do belong. Ecclesiastical rights, and the collection of taxes, and the jurisdiction of land and assessed-tax commissioners to remain altered as to such parts by this act. For this valuable departmental improvement the public is chiefly indebted to Mr Scott, M.P. for Walsall.

LXII, § 5 . — To amend the Law as to burning Farm Buildings. — *From 6th August*, 1844. — This extends the penalties of arson to burning sheds and hovels, folds, or any farm building.

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LXIII, § 2 . To continue till 1st of June, 1845, the Act for restraining Party Processions in *Ireland*, 2 and 3 Wm. IV, c. 118.

LXIV, § 1 . To provide for paying off 3½ per cent. Annuities and Government Debentures, to be paid off under c. 4 and c. 5 of this Session.—*Idem.*

LXV, § 45 . To enable the Council of the Prince of Wales to sell certain Lands and enfranchise Copyholds in the Duchy of Cornwall.—*Idem.*

LXVI, § 17 . To amend the Laws relating to Aliens.—*Idem.* This act materially enlarges the privileges and facilitates the naturalization of aliens. If subjects of a friendly state, they may hold every sort of personal property except chattels real, and lands for purposes of trade, or enjoy residence for twenty-one years without being naturalized. Foreign women married to British subjects become thereby naturalized. Much private hardship is relieved by this act, and the measure may be regarded as a praiseworthy improvement.

LXVII, § 4 . To transfer the Collection of the Duty on Licences to let Horses for hire in Ireland from the Commissioners of Stamps to the Commissioners of Excise.—*Idem.*

LXVIII, § 5 . To suspend the new Arrangement of Ecclesiastical Jurisdiction till 31st of December, 1847.--*Idem.*

LXIX, § 13 . To amend 3 and 4 Wm. IV, c. 41, for This act provides for the admission of appeals from co-

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better Administration of Justice in H. M. Privy Council.-*Idem.*

lonies, though the court appealed against be not a court of error or appeal. Also for the extension of rights of patent where due remuneration has not been obtained. It is provided that the council may appoint clerks to take proofs in matters referred to the Judicial Committee; and also that they may hear appeals without any special order of reference from the Queen in council, but upon a general order only.

LXX, § 16 . To facilitate Arrangements between Debtors and Creditors.—*From 1st September*, 1844.

The provisions of this act are, that any debtor, not being a trader, may present a petition with the assent of one-third in value and number of his creditors (signed by them) to the Court of Bankruptcy, setting forth a full account of his debts, creditors, estate, and effects, with the cause of his inability to pay his creditors, setting forth such proposal as he is able to make for the future payment or compromise of such debts, and praying that it may be carried into effect by the court. There is next to be a preliminary private examination by one of the commissioners (who may then grant protection from arrest) into the matters of the petition, with the usual powers. A first meeting of creditors then takes place, a registrar or official assignee of the court presiding; at which, if the major part of the creditors in number and value, *or* nine-tenths in either value or number of those whose debts exceed 20*l.* shall assent to the proposal of the debtor, the chairman shall appoint a *second* meeting, at which, if three-fifths in number and value of the creditors present, or nine-tenths in either value or number of those whose debts exceed 20*l.* agree to the proposal before assented to, and sign a resolution or agreement to that effect, it shall be binding; and within fifteen days of the making of it shall be confirmed and filed, and a certificate granted, with protection from arrest, &c. From the date of such filing, the estate of the debtor vests in the trustee appointed under the resolution, without any deed, as fully as if such trustee were an assignee in bankruptcy. Audits are to take place every six months. The trustee is to be finally discharged from responsibility by the commissioner. The act also allows the remuneration of trustees, an important change which we should much desire to see carried out in other branches of jurisprudence.

LXXI, § 17 . For the better Administration of Criminal Justice in Middlesex. — *From 6th August*, 1844.

Two sessions are to be held in every month, and an assistant judge appointed, with a salary of 1,200*l.* per annum. The justices to appoint them are chairmen for all county business, and to have sole control of county rate, and over the Court House at Westminster. The New Bridewell is to be a house of correction for the county generally.

LXXII, § 1 . To clear up doubts as to the Regulations and Audit of Accounts

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of Customs in New South Wales.—*Idem.*

LXXIII .	To reduce Duties on Books and Engravings.—*Idem.*	The effect of this act is, that on all books and prints first published abroad, admitted to the privileges of international copyright here, under 7 and 8 Vict. c. 12, there shall be payable an import duty of only 15s. per cwt. on works printed in the language of the country from which they come, or in the dead languages; and on all other works, if printed there before 1801, 20s. per cwt.; and if printed there since 1801, 50s. per cwt. Prints, single, ½d.; double or sewn, 1½d. per dozen.
LXXIV, § 10	To amend and explain the Act for the Government of New South Wales and Van Diemen's Land.—Within six weeks after the Governor receives this Act, passed *6th August*, 1844.	This relates chiefly to the declaration of qualification made by members of the Legislative Council, and the reservation of bills for the Royal assent, which was modified.
LXXV, § 35.	To pay the Militia till August 1, 1845.—*From 31st July*, 1844.	
LXXVI .	To simplify the Transfer of Property. *From* 31*st Dec.* 1844.	An important act, obviously the result of much careful preparation and forethought. Its effects are—1. That freehold land may be conveyed simply by way of deed without livery of seisin, or lease and release. 2. That no partition or assignment, or exchange of land, freehold or copyhold, shall be valid at law but by deed. 3. That no lease shall be valid, except by deed; and shall be held only as an agreement for a lease; though where there is an agreement in writing to let, payment of rent will constitute a yearly tenancy. 4. That contingent interests may be conveyed by deed. 5. Contingent remainders henceforth to be abolished; and every estate, which before would have taken effect as such, shall take effect, if in a bill, as an executory devise; and, if in a deed, as an executory estate of the same nature as an executory devise. 6. The receipts of trustees shall effectually discharge the payers. 7. That no deeds need be indented. Until the 1st of January, 1845, no change takes place, except the omission of the common limitation to trustees to preserve contingent remainders, and after that time no alteration of the forms of conveyancing now in use is obligatory.
LXXVII, § 3	To amend so much of 5 and 6 Wm. IV, c. 47, as relates to the Salary of the Clerk	The object of this act is to double the previous salary of 500*l.* per annum.

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	of the Crown in Chancery.—*From 1st July*, 1844.	
LXXVIII, §2	To continue for the Year the Acts against Unlawful Oaths in Ireland. — *From 6th August*, 1844.	
LXXIX, § 2.	For appointing additional Commissioners of Land Tax.— *Idem*.	
LXXX, § 11	For completing the Guarantee Fund of the South Sea Company. — *From 9th August*, 1844.	
LXXXI, § 85	For amending the Law of Marriages in Ireland, and for registering them.—*From 31st March*, 1845.	This act facilitates and legalises Presbyterian marriages in their own meeting houses under certain regulations; and likewise marriages where one party only is Presbyterian. With a view to the fees of the Presbyterian and Roman Catholic clergy, it does not allow marriages in the cheaper form, before the registrar, as in England
LXXXII .	To continue the Act to enable Justices to grant Warrants for entering Places where Spirits are sold in Ireland. — *From 9th August*, 1844.	
LXXXIII, § 23	To amend the Laws of Savings. — *From 20th November*, 1844.	The interest to depositors is reduced to 3*l*. 0s. 10d. Annuities may be purchased to the extent of 30*l*. by the same person, instead of 20*l*. as formerly.
LXXXIV, § 120. . .	An Act for regulating the Construction of Buildings in the Metropolis and its Neighbourhood.—*From January 1st*, 1845.	This is one of the most voluminous acts of the session. Its object is to modify and extend the provisions of the Building Act to the whole of the metropolis, which had long outgrown the limits of c. 78, George III. The new act is to some extent an improve-

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ment upon the old, but with many serious defects. One merit it possesses is simplicity of classification. The schedules are well arranged, and there is less ambiguity in its clauses than is usually found in an act of parliament. The most important feature of the bill is the power it gives to a new Board, consisting of two official referees and a registrar, to determine the meaning of the act in cases of ambiguity, as a legislative court of appeal. This is a new principle in legislation, but one calculated to work well, and indeed indispensable in questions of technical difficulty, which neither the two houses of parliament nor the law courts are competent to discuss. Another improvement is that district surveyors are in future not to be appointed without an examination into their qualifications, but no provision is made for the payment of the examiners. The bill should have gone further, and consolidated the offices of surveyor in all cases where public surveyors are now employed for buildings or drainage, or for parochial valuations. This was the recommendation of the sanatory report, which if adopted would have effected a great saving of public money, and led to more useful results than the payment of fees. The new measure does not propose to save a shilling, but adds to the public burdens. It provides a new organization without abolishing the old, and of course at an increased cost. There will be as many district surveyors for the old districts as before (thirty-three), and now two official referees and a registrar, with each a salary of 1,000*l.* per annum. The bill is characterised by the prevailing spirit of petty and vexatious legislation; and so numerous are the cases in which reference will have to be made to the official referees or the district surveyors for permission to proceed, that a general alarm exists among builders. The delays and expenses occasioned by the caprice of a surveyor may now be ruinous. Some of the provisions of the act are altogether impracticable. Clause 53 prescribes that no basement room without an area of three feet width, back and front, shall be occupied for any purpose except as a cellar or store-room after the 1st of July, 1846. This, if carried out, would subject to penalties many thousand families, including those of noblemen having kitchens in the basement of mansions in Grosvenor square. Schedule K, which enacts that no basement story shall be rebuilt without similar areas, would work much injustice if it had not been so worded as to defeat the object. The bill allows rooms in basements *if intended* for cellars only, and of course the builder will say they are so intended. Without this loophole of escape, many houses in close neighbourhoods could not be rebuilt, and instead, therefore, of being pulled down they would be patched up from year to year, or darned like an old stocking till all the materials had been changed. In many instances this process of redarning instead of rebuilding must still be one of the results of the act, from various stringent and ill-considered provisions, with which it will be impossible to comply. The clauses relating to the width of new streets and alleys will only affect the suburbs. The bill takes no powers for buying up ruinous property, and making open spaces for ventilation in crowded neighbourhoods. Some of its provisions relating to drains and flues are directly opposed to evidence published by the Health of Towns Commission.

LXXXV, § 26 — To attach certain Conditions to the Construction of Railways, and for other purposes relating to Railways.

An act to improve restrictions upon railway companies. The 1st section provides that the Treasury may revise the scale of tolls on any future railway twenty-one years after

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—*From 9th August*, 1844.

its construction, so as to reduce and make good the profits at 10 per cent.; and section 2 provides for buying such future railways by the Treasury (with consent of parliament) at twenty-five years' purchase upon an average of the profits of the then last preceding three years. These powers of revision and purchase apply only to future railways; and where the company thinks that the average of the last three years is no adequate standard of the prospective value of the railroad, they have power to refer the estimate of such value to arbitration. Before these options of revision or purchase are put into effect, parliament is to authorise the guarantee or levy of the money required for the purpose, and direct the manner in which the powers of the act are to be exercised, so that "the policy of revision or purchase should in no manner be prejudged by the provisions of this act, but should remain for the future consideration of the legislature." It is declared not to be the intention of the act that under the said powers "the public resources should be employed to sustain an undue competition against any independent company." Section 5 provides for a publication of accounts by railways three years before the time arrives for revision or purchase. Section 6 provides that railway companies incorporated this session, or obtaining fresh acts, or to be hereafter incorporated, shall run one cheap passenger train, calling at every station, and running at the rate of twelve miles an hour including stoppages, and going the whole length of the line; these trains are to be provided with seats and protected from the weather, the fare not to exceed one penny per mile, and each passenger is entitled to take a child under three years old and half a hundredweight of luggage without extra payment. The penalty for violating these rules not to exceed 20*l.* for each day; the Board of Trade to have discretionary power to dispense with these obligations except as to the rate of fares. Where trains are run on Sundays, a cheap train must be run on all new railways on that day. There are also additional provisions relating to the transmission of mails and soldiers, and also to allow electrical telegraphs to be established along the lines.—*See on this subject the article in our last number on Railway Administration.*

LXXXVI, § 5 . . For the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks in certain cases.—*From 9th of August*, 1844.

LXXXVII, § 10 . . To amend the Law for regulating Places kept for slaughtering Horses.—*Idem.*

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LXXXVIII, § 8 . .	To widen and improve Piccadilly, in the City of Westminster.—*Idem.*	
LXXXIX, § 4 . .	To audit the Accounts of the Commissioners of H. M. Woods and Forests, &c.—*Idem.*	
XC, § 41 .	For the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, & Commissions of Bankruptcy, and providing one Office for the registering of all Judgments in *Ireland;* and for amending the Laws in *Ireland* respecting Bankrupts and the Limitation of Actions. —*Idem.*	An act for carrying into Ireland an unobtrusive but valuable improvement for which the English public some years back were indebted to Sir Edward Sugden.
XCI, § 95 .	To consolidate and amend the Laws relating to Turnpike Trusts in South Wales. —*Idem.*	It is designed that the debts chargeable on the turnpike trusts of the South Wales districts be ascertained and redeemed, and that the trusts should be placed under uniform management and consolidated. For this purpose three commissioners are to be appointed, whose office terminates on Michaelmas day 1845. A multitude of reforms are enacted by this act in the amount and mode of levying tolls, of which one of the most important is that a toll once paid shall clear seven miles in the same, or two miles in an adjacent county.
XCII, § 31 .	To amend the Law respecting the Office of County Coroner. —*Idem.*	This act provides for the division of counties for coroners' districts on petition by the justices of the peace to the Queen; but is not in harmony with cap. 61 relating to detached parts of counties. It also regulates the election of coroners.
XCIII, § 2 .	To enable Barristers appointed to arbitrate between Counties and Boroughs to submit a	These arbitrations relate to cases of difference concerning certain accounts, and the amounts of certain expenses

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	Special Case to the Superior Courts.—*Idem.*	mentioned in the Municipal Corporation and Prison Regulation Acts.
XCIV, § 12 .	To explain and amend an Act for making better provision for the Spiritual Care of Populous Parishes. (6 and 7 Vict. c. 37. —*Idem.*	
XCV, § 4 . .	To amend the 9th Geo. IV, c. 39, for the Preservation of the Salmon Fisheries of Scotland.—*Idem.*	
XCVI, § 75 .	To amend the Law of Insolvency, Bankruptcy and Execution. —*Idem.*	The chief enactments relating to insolvents are these. Petition for protection from process may be presented to any district court of bankruptcy where the petitioner has resided twelve months, which shall be verified by affidavit in a prescribed form. The first meeting of the creditors, the appointment of the assignee in whom the property thereupon vests, are provided for in sections 3 and 4. Any prisoner in execution not being a trader, or being one whose debts are under 300*l.*, may be protected by an interim order from process, or be discharged from prison. Goods in the possession of the petitioner, whereof he was reputed owner, are to be deemed his property; and all voluntary assignments of his property, made even in trust for the use of creditors and in contemplation of insolvency, are to be deemed fraudulent, unless made three months prior to the filing of the petition, and not with a view to the petitioning of the court for protection. Not only does this act extend all the provisions of the '*Act for preventing Frauds upon Creditors by Secret Warrants of Attorney to confess Judgment*' to assignees of insolvent petitioners, but in no case shall any person who holds a warrant of attorney avail himself of execution issued or to be issued thereupon against the estate of such petitioning insolvent, but may become a creditor under this act. The final order is to protect the petitioning insolvent from all debts existing at the time of his petition, though not specified in such final order, and not known to the insolvent; reservation is made in cases of fraud. There are also a variety of minor provisions, which it would not be generally useful to specify. By the 57th section, arrest upon final process for less than 20*l.* debts (exclusive of costs) is abolished; and all persons in custody for such debts at the passing of the act were entitled to their discharge on application to the judge of the court wherein judgment was passed, or to any judge of the superior courts at Westminster. Provisions are made for punishment where the debt may have been fraudulently incurred; and also for levying the amount ordered to be paid by any judge's order upon the goods of the debtor, under the 7 and 9 Geo. IV, c. 17. There are some provisions also to restrain and limit a landlord's lien for rent, and to

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submit claims as to goods taken in execution under process of courts, for the recovery of small debts to the adjudication of the judge of such courts; all actions against the officer who executed process being stayed. The commissioners of courts of request, &c., have power by this act to appoint barristers or attornies to be the assessors of such courts.

XCVII, § 23. For the more effectual Application of Charitable Donations and Bequests in *Ireland.—Idem.*

This is an extension of the Mortmain act to Ireland, at the very moment when 'Young England' was seeking its repeal in this country.—Did Sir Edward Sugden intend to steal a march on the Irish Catholics?

XCVIII, § 3. To enable the Commissioners of Public Works in Ireland to accept a certain Sum of Money in Satisfaction of their Mortgage on the Branch Canals of the Grand Canal, *Ireland.—Idem.*

XCIX, § 2 . To extend the time for improving the Harbour of Tralee, *Ireland.—Idem.*

C, § 3 . . To supply an omission in the 6 and 7 Vict. c. 74, for amending the Laws in *Ireland* relative to the registering of Arms, &c.—*Idem.*

CI, § 77 . For the further Amendment of the Laws relating to the Poor in England.—*Idem.*

The first eleven sections effect a serious change in the law of bastardy. The mother has, under the 4 and 5 Wm. IV, c. 76, had no remedy against the father of her child for its maintenance. This had ceased. The new act returns to the system of giving impunity to women for the loss of chastity, by throwing the burden of the child upon the father. It provides, that the father may be summoned before the petty sessions, and on satisfactory evidence being given to one justice, he may be ordered to pay a sum not exceeding five shillings for each of the first six weeks after birth, and two shillings and sixpence for every subsequent week until the child is thirteen years of age. The application must be made within two months after the birth or before the birth to entitle the mother to

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more than two shillings and sixpence per week; and if the application be delayed beyond two months and be made within a year after birth, an order will only be made on proof that the father has acknowledged the child by paying something towards its maintenance. Children born within six months before the act passed are within its provisions. Small sums are allowed for midwife and burial of child, if dead. Warrants of distress may be granted for the recovery of arrears for thirteen weeks, on the neglect of the father to pay them, he having been first summoned before two justices for the purpose. Justices in adjoining counties may adjudicate. In failure of recovery by distress, he may be imprisoned for any time not exceeding three months. The money is to be paid to the mother, or some person appointed by the justices in case of lunacy, &c. Appeal is given to the father against any order, provided he gives notice of it to the mother within twenty-four hours of the making of such order, and security for the costs within seven days. Such appeal to be heard at the quarter sessions held after the expiration of fourteen days after the making of the order. Mothers are punishable under the vagrant act who neglect their bastard children. Parish officers are forbidden to receive the money, or interfere in any respect unless the child becomes chargeable, in which case they may enforce payment. Endeavouring to induce marriages by threats or promises as to applications under this act, is made a misdemeanour. Existing bastardy orders are not to be affected, but those made before 14th Aug. 1834, to cease to be in force after 1st Jan. 1849. Clerks to justices are required to make annual returns through the clerk of the peace to the Home office of all orders, &c.

Apprentices.—Parish officers are prohibited, after the 1st Oct. 1844, from apprenticing paupers. It must be done by boards of guardians, without allowance by justices. The poor-law commissioners may prescribe the duties of the masters of parish apprentices, to be observed under penalty of 20*l*. Compulsory apprenticeships are abolished under 43 Eliz., c. 2, and 8 and 9 Wm. III, c. 3.—Voting.—In all cases in which owners and ratepayers have votes for guardians or other purposes required by the poor laws, the old standard of plurality of votes is thus altered:—

Rateable Value.	Old Votes.	New Votes.
Under £50	one	one
„ £100	one	two
„ £150	one	three
„ £200	one	four
„ £250	two	five
„ £250 or above	two	six
„ £400 or above	three	six.

Rate-payers, &c., may vote by proxy under certain regulations.

The poor-law commissioners may alter the number of guardians for each parish, with reference to population, &c., without the consent required heretofore; and they may divide parishes of 20,000 inhabitants into wards, for the election of guardians. These wards must contain 400 rated houses. The qualification for guardians of wards to be the same as for parishes.—Relief.—Relief may be given by parishes to which widows belong, having legitimate children dependent on them, though they reside in other unions.—Burial.—Heretofore parish officers had no right to bury paupers or others not being in workhouses, at the expense of the rates; but the guardians of the union are now authorised to do so where the death has occurred, unless the deceased wished, or his next of kin wish, him to be buried where chargeable.—Accounts.—Parishes or unions may be com-

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bined by the commissioners for the audit of accounts: auditors to be elected by chairmen, &c., of unions, who have full power to disallow accounts and items; which are to be recovered by the auditor from the persons who made or authorised the illegal and disallowed payment, in the same manner as penalties or forfeitures under the 4 and 5 Wm. IV, c. 76. Officers who wilfully make illegal payments from any rates punishable by fine of 20*l.* and treble the sum so paid by them. There are various regulations as to the notice and conduct of the audits. The appeal against the decision of the auditor is by writ of *certiorari* in the Queen's Bench. Appeal may also be made to the poor-law commissioners, who have power to decide the question. Justices to have no further power of audit where auditors are appointed. Accounts may be rendered half-yearly instead of quarterly. Lawyers' bills may be taxed by clerks of the peace.

Schools and Asylums.—The commissioners may order districts not exceeding *fifteen miles in diameter* to be formed, combining unions or parishes not in union for the purpose of schools,* and also of temporary asylums in large towns for the houseless poor. The guardians are to elect a board of directors for their management from rate-payers paying some amount of rates not exceeding 40*l.*, to be hereafter fixed by the commissioners. This board is to buy or build asylums under the direction of the commissioners, who shall regulate the payment of the officers therein. The board is to appoint a chaplain, with the consent of the bishop of the diocese, to superintend the religious instruction, with admission of dissenting ministers to teach dissenting children, if required by their parents or friends. These schools are for the instruction of the pauper children of the district. Money may be raised under the same powers as given by the poor-law act for procuring buildings, &c., but the principal sum so raised is not to exceed one-fifth of the average annual expenditure of the union.

There are also provisions, that school-inspectors should visit the schools and poor-law guardians the asylums, and that the auditors of the union district shall audit the accounts of the schools and asylums. Work is to be provided for the inmates of asylums, and they may remain there until their case can be brought before the district board, if they choose it. There are provisions for punishing misbehaviour under the vagrant and other acts. The constable bringing any person to the asylum must sign a certificate of his being found apparently destitute.

Several miscellaneous provisions follow; as to the appointment of paid collectors, who may perform the duties of assistant-overseers; penalties on overseers who neglect to make rates. The power of the commissioners to separate parishes from unions, or add parishes to unions, without the consent of the guardians of the union.

CII, § 2	To repeal certain Penal Enactments made against her Majesty's Roman Catholic Subjects.—*From 9th Aug.* 1844.	This act, which was opposed by the Bishop of London, repeals twenty-four statutes against recusancy, so far as they relate to Roman Catholics, including the acts of uniformity, 5 and 6 Edw. VI, c. 1, and 1 Eliz., c. 2. Its

* The powers here given will be limited in their operation to towns. The words *fifteen miles in diameter* were designedly introduced to exclude the rural unions.

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provisions should have been extended to various classes of Dissenters, subject to the same penalties, although never enforced.

CIII, § 101 . To amend the Law for the trial of Controverted Elections of Members to serve in Parliament.—*Idem.*

Seventeen sections in this act provide the manner of entering into recognisances for the expenses of petitions requiring that the petitioner shall be bound in 1,000*l.* and his sureties in a like sum. Provisions are made for the withdrawal of the petition: and for notice by the member that he will not defend his seat, in which case voters may become parties and defend the return. The decision of petitions shall be effected by six members, who, on the day after the last day for receiving petitions in the first session of every new parliament and in every subsequent session, shall be appointed by the speaker's warrant, and who shall be called 'The General Committee of Elections.' This warrant may be disapproved of by the house and a new warrant made.

This committee is to regulate its own proceedings, its chief duty being, after the members entitled to be excused have been ascertained, to select from eight to twelve members qualified to serve as chairmen of the election committees, to be called 'The Chairman's Panel;' then to divide the remaining names of the house into five panels, to be numbered by lot, and from whom the general committee shall choose select committees to try the petitions committed to them; these select committees are to consist of four members, chosen from the panel in service that week and one chairman from the chairman's panel. Numerous provisions are made for securing the proper attendance of the select committee; who are to report their decision to the house. The costs are to be taxed by the examiner of recognisances. Full costs to be given to the party opposing any petition declared by the committee to be frivolous or vexatious; and likewise to any petitioner against whom the opposition has been so declared. If either party make unfounded allegations he shall pay to the other the costs thereby incurred. Application must be made to the speaker by any petitioner, not witness, desirous of obtaining his costs, not later than three calendar months after the decision of the committee; the speaker shall then direct the costs to be taxed by the examiner of recognisances, who certifies the amount to the party and reports it to the speaker, who signs the certificate, in virtue of which the amount may be recovered.

CIV, § 30 . To supply a Sum out of the Consolidated Fund, and certain other Sums to the Service of 1844, and to appropriate the Supplies granted in this Session of Parliament.—*From 9th Aug.* 1844.

CV, § 94 . To confirm and enfranchise the Es-

One of several acts passed by both Houses in the dark.

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	tates of the Conventionary Tenants of certain Manors in the Duchy of Cornwall. —*Idem.*	No one present was able to explain its purport in reply to the inquiries of Lord Cottenham.
CVI, § 158 .	To consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin.—*Idem.*	This act condenses a mass of laws affecting the municipal government of the city and county of Dublin.
CVII, § 42 .	To regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law in Ireland, payable out of the Consolidated Fund.—*From* 5th *Sept.* 1844.	
CVIII, § 9 .	To amend 5 and 6 Vict., c. 106, and to empower the Constabulary Force to enforce certain Provisions respecting the Irish Fisheries.—*Id.*	
CIX, § 2 .	To indemnify Persons connected with Art-Unions and others against certain Penalties.—*Idem.*	This act exempts from the liabilities and penalties imposed by the acts against lotteries and all members of art-unions for anything done by them "touching the purchase of any pictures or other works of art, or the sale or distribution thereof by chance or lot," before the 31st July *next* (*i. e.* 1845), and it extends the same exemption to persons *not* being members, who have done anything to render themselves similarly liable before 1st Oct. 1844.
CX, § 80 .	For the Registration, Incorporation, and Regulation of Joint Stock Companies. — *From* 1*st Nov.* 1844.	The object of this act is to provide for the registration of all joint stock companies by an officer, to be called the registrar of joint stock companies, at the Board of Trade; to give them the qualities and incidents of corporations (an important provision), and to prevent the constitution of any companies which do not conform to a multitude of regulations (many of them

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purely vexatious) set forth in the act under the heads of 'General Provisions;' 'Registration of Companies;' 'Execution of Deeds of Settlement;' 'Powers and Privileges of Companies;' 'Regulation of Companies,' comprising powers of directors; restriction as to lending money; qualification of directors; account books; auditors; publication of reports; liabilities; bye laws; transfer of shares; incorporation, &c. &c. Legal proceedings are also provided for.

CXI, § 33 . To facilitate the winding up of the affairs of any Joint Stock Companies unable to meet their pecuniary engagements. — *From 5th Sept.* 1844.

Not only to facilitate the winding up of these concerns, but as the preamble of the act discloses, to make better discovery of the abuses which have attended them, and to ascertain the causes of their failure; —it is provided that fiats in bankruptcy may issue against these companies, and be prosecuted in like manner as against other bankrupts. Several acts constituting bankruptcy are set forth in the act, and the law and practice of bankruptcy is to apply as far as is practicable. Both this act and the preceding have been so carelessly prepared that it will be impossible for many of their provisions to be carried into effect.

CXII, § 65 . To amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen. — *From 1st Jan.* 1845.

This act enforces a number of minute regulations for the registry, service, wages, contracts, privileges, and liabilities of merchant seamen.

CXII, § 50 . To regulate Joint Stock Banks in England. — *From 5th Sept.* 1845.

No joint stock bank established after the 5th of May last is to carry on business, unless by letters patent granted according to this act, for which the company is to petition, with full particulars. The deed of settlement must in all cases provide for carrying into effect nine provisions specified in the act; after which the company may be incorporated, but the liability of the shareholders shall not be limited thereby. The act makes numerous provisions for the due regulation of the concerns of such banks, and for ensuring their responsibility.

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CLASSIFICATION

OF THE PRECEDING 113 PUBLIC ACTS OF THE 7 & 8 VICT., 1843-4.

ARMY	Meeting; c. 9. Marine Force; c. 11. Militia; c.c. 35, 75.
BANKS	Bank of England, Charter of; c. 32. (Mint); c. 22. Joint Stock Banks; c. 113. Savings' Banks; c. 83.
CHURCH AND RELIGIOUS PRIVILEGES	Dissenters' Chapels; c. 45. Ecclesiastical Jurisdiction: c.c. 68, 94. Lecturers and Clerks; c. 59. Marriages in Churches and Chapels; c. 56. Roman Catholic Recusancy; c. 102.
COURTS OF JUSTICE . .	Privy Council, Judicial Proceedings of; c. 69. Trial of Crimes at Sea; c. 2. Bailiffs of Inferior Courts; c. 19. District Courts, Establishment of; c. 50. Salary of Clerk in Chancery; c. 77. Arbitrators between Counties and Boroughs; c. 93.
COLONIES	West Indies; c. 17. East Indian Courts Martial; c. 18. General Posts; c. 49. West Australian Government; c. 57, 74. Australian Customs; c. 72.
EDUCATION	Conveyance of Sites of Schools; c. 37.
FINANCE AND REVENUE .	Excise; c. 25. Funds; c.c. 4, 5. Supplies; c.c. 14, 64, 104. (And see Army.) Taxes; c.c. 39, 46. „ Commissioners of Land; c. 79. Customs; c.c. 16, 28, 73. Stamps; c. 21. Woods and Forests, Accounts of; c. 89.
INDEMNITIES	Annual Act; c. 10. Art-Unions; c. 109. Gaming Qui Tam Actions; c.c. 3, 7, 58.
IRELAND, ACTS RELATING TO	Arms Act, Amendment of; c. 100. Assaults; c. 23.

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Charities ; c. 97.
Charitable Loan Societies; c. 38.
Courts of Law, Officers of ; c. 107.
Entry of Spirit Shops; c. 82.
Excise ; c. 67.
Fisheries ; c. 108.
Judgments, Registry of ; c. 90.
Grand Jury Presentments (County Dublin) ; c. 106.
Linen Manufactures; c. 47.
Marriages; c. 81.
Processions ; c. 63.
Public Works ; c. 98.
School Teachers ; c. 8.
Statutes of Limitation ; c. 27.
Tralee Harbour ; c. 99.
Turnpikes ; c. 36.
Unlawful Oaths ; c. 78.

MANUFACTURE . . . . Factory Act ; c. 15.

MARINE LAW AND SEA SERVICE — Sea Service in Merchant Ships ; c. 112.
Slave Trade ; c. 26.

POLICE . . . . . Prisons ; c. 50. (In Scotland) ; c. 34.
Constables ; c. 33.
Slaughter Houses ; c. 87.

PROPERTY, LAW OF . . Transfer of Property ; c. 76.
Copyholds, c. 55.
Aliens, Tenure of Property by ; c. 66.

POOR . . . . . Poor Law Amendment ; c. 101.
Removals ; c. 42.

ROADS AND RAILROADS . Regulation of Railroads ; c. 85.
Turnpike Acts to continue ; c. 41.
„ South Wales ; c. 91.

RATES . . . . . County Rates, Collection of; c. 33.
Stock in Trade, on ; c. 40.

TRADE . . . . . Bankruptcy and Insolvency ; c. 96.
Copyright, International ; c. 12.
Debtors and Creditors ; c. 70.
Joint Stock Companies, Regulation of; c. 110.
„ „ „ Bankruptcy of ; c. 111.
(*See* Customs — Tithe Revenue.)
Regrating, Reselling, &c. ; c. 24.
Stock in Trade, Rating of ; c. 40.
Trade in Butter and Cheese ; c. 48.
South Sea Company Fund ; c. 80.

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LOCAL ADMINISTRATION .	Cornwall, Duchy of, Enfranchisement of Copyholds, &c.; c.c. 65, 105. Dean Forest; c. 13. Edinburgh, City of; c. 20. Manchester (Magistrates); c. 30. „ (Bonding Warehouses); c. 31. Man, Isle of, Customs; c. 43. Metropolis, Improvements in, Funds for; c. 1. Metropolitan Buildings; c. 84. Middlesex Criminal Judge and Sessions; c. 71. Piccadilly, to widen; c. 88. Scottish Salmon Fisheries; c. 95. „ Prisons; c. 34. „ Parishes, Disjunction of; c. 44. South Wales Turnpikes; c. 91. Sudbury, Disfranchisement of the Borough of; c. 53. Trafalgar Square, Care of; c. 60.
MISCELLANEOUS ACTS .	Aliens; c. 66. Election Committees; c. 103. Coroners; c. 92. Game Laws; c. 29. Attornies' Clerks; c. 86. Loan Societies; c. 54.

PRIVATE ACTS.

THE FOLLOWING PRIVATE ACTS WERE PASSED DURING THE LAST SESSION:

1. *Of Local and Personal Acts declared Public, and to be judically noticed*	108
2. *Of Private Acts, whereof the printed Copies may be given in Evidence*	34
3. *Of Private Acts, not printed,*	15
Total . . .	157

LOCAL AND PERSONAL ACTS,

Declared Public, and to be judicially noticed.

1. To enable the Ribble Navigation Company to raise a further Sum of Money; and to enable the Owners of reclaimed Lands to pay a Sum in gross in lieu of the annual Rents.
2. To effectuate the Sale by the Bolton and Preston Railway Company of their

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Railway and other Property and Effects to the North Union Railway Company; to incorporate with such last-mentioned Company the Proprietors of the Bolton and Preston Railway; and to consolidate Shares into Stock.

3. To amend the several Acts relating to the Great Western, the Cheltenham and Great Western Union, and Oxford Railways; to amalgamate the Two last-mentioned Railways with the Great Western Railway; and to authorize the Formation of additional Works at Cheltenham by the Great Western Railway Company.

4. To amend and enlarge some of the Provisions of the Act authorizing the Construction of the Yarmouth and Norwich Railway, and to authorize the Construction of certain new Works in connexion therewith.

5. For making a Railway from the London and South-western Railway to Guildford in the County of Surrey.

6. For providing for the Liquidation of the Debt owing by the Charity Workhouse of the City of Edinburgh, for regulating the Assessment for Relief of the Poor of the said City, and for other Purposes relating thereto.

7. To amend an Act passed in the Third Year of the Reign of Her present Majesty, for abolishing certain Petty and Market Customs in the City of Edinburgh, and granting other Duties in lieu thereof.

8. For establishing a Market in the Town of Glossop in the County of Derby.

9. To amend the Powers and Provisions of an Act of the First Year of King William the Fourth, for making the River Waveney navigable for Ships and other Seaborne Vessels from Rosehall Fleet to the Mouth of Oulton Dyke, and for making and maintaining a navigable Cut from the said River into the said Dyke.

10. To alter and extend the Provisions of an Act for improving the Navigation of the River Severn.

11. For enabling the Company of Proprietors of the Birmingham Canal Navigations to borrow a further Sum of Money; and to extend and alter some of the Provisions of their present Acts.

12. For more effectually lighting with Gas the Borough and Parish of Rochdale in the County of Lancaster.

13. To amend and enlarge the Provisions of Two several Acts, for lighting with Gas the Town of Liverpool and certain Places adjacent thereto.

14. For regulating legal Proceedings by or against the Durham County Coal Company, and for other Purposes.

15. For making a Railway from Norwich to Brandon, with a Branch to Thetford.

16. For maintaining a Railway from the Manchester and Leeds Railway to Heywood; and for amending the Acts relating to the Manchester and Leeds Railway.

17. For enabling the Manchester and Birmingham Railway Company to vary the Line of their Branch Railway to Macclesfield, and to make another Branch therefrom; and for amending the former Acts relating to the said Company.

18. To consolidate the North Midland, Midland Counties, and Birmingham and Derby Junction Railways.

19. To rectify a Mistake as to the Proceedings on the Eastern Counties Railway Bill and the Eastern Counties Railway (Brandon and Peterborough Extension) Bill.

20. To authorize the letting on Lease to the Eastern Counties Railway Company of the Railways and Works of the Northern and Eastern Railway Company, and to give effect to certain Arrangements entered into by the said Companies, and to amend and enlarge some of the Provisions of the Acts relating to the first-named Company.

21. For vesting the Leeds and Selby Railway in the York and North Midland Railway Company, and for enabling that Company to raise a further Sum of Money to complete the Purchase of such Railway.

22. For making a Railway from Rampside and Barrow to Dalton, Lindale, and Kirkby Ireleth, in the County Palatine of Lancaster, to be called "The Furness Railway."

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23. To amend an Act for maintaining the Pier and Harbour of Newquay in the County of Cornwall, and to make certain Tram Roads in connexion therewith.

24. For regulating, maintaining, and improving the Port of Padstow in the County of Cornwall, and the navigable Parts of the River Camel or Allen in the same County.

25. To enable the South-eastern Railway Company to make a Railway from the said South-eastern Railway near Ashford to the City of Canterbury and the towns of Ramsgate and Margate, and to join the Canterbury and Whitstable Railway.

26 For enabling the Pontop and South Shields Railway Company to widen a Part of their Railway, and to make a Branch therefrom; and for other Purposes.

27. For authorizing the Sale of the Durham Junction Railway to the Newcastle and Darlington Junction Railway Company; and for enabling the said Company to make a Station at Gateshead, with a Bridge and Approaches, to connect the said last-mentioned Railway with the Town of Newcastle-upon-Tyne; and for other Purposes.

28. For making a Harbour and Dock near to Hartlepool in the County of Durham.

29. For dividing, allotting, and inclosing Lands in the Hamlet of Thetford in the Parish of Streatham in the Isle of Ely and County of Cambridge; and for draining and embanking certain Parts of the said Lands, and other Lands in the said Hamlet, and in other Parishes in the said Isle and County.

30. For granting certain Powers to "The New British Iron Company."

31. For enabling the Northern Coal Mining Company to raise Money for paying off existing Debts of the Company.

32. To authorize the Purchase of "Monk's Ferry" by the Commissioners for the Improvement of Birkenhead, Claughton-cum-Grange, and Part of Oxton, in the County of Chester, and for amending the Acts relating to the said Commissioners.

33. For opening certain Streets and otherwise improving the Town of Salford; and for amending an Act for better cleansing and improving the said Town of Salfold in the County Palatine of Lancaster.

34. For making a Railway from the Town of Blackburn to the North Union Railway in the Township of Farrington near Preston, all in the County of Lancaster.

35. To enable the Northern and Eastern Railway Company to make certain Deviations in the Line of their Railway between Bishops-Stortford and Newport; and to alter and amend the Acts relating to the said Railway.

36. To amend the Acts relating to the Maryport and Carlisle Railway, and for making certain Extensions and Branches connected therewith.

37. For making a Railway from the Lancaster and Preston Junction Railway at Lancaster to or near to the City of Carlisle.

38. For extending and amending some of the Powers and Provisions of the Act relating to "The Leeds New Gas Company."

39. To enable the Globe Insurance Company to alter and amend some of the Provisions of their Deed of Settlement.

40. For the good Government and Police Regulation of the Borough of Manchester.

41. For the Improvement of the Town of Manchester.

42. For amending and rendering more effectual an Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of Lakenheath and Brandon in the County of Suffolk.

43. To enable the President, Treasurers, Deputy Treasurers, Benefactors, and Subscribers, of and to the Manchester Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum to enlarge the said Infirmary, and to purchase and hold Land for the Erection of a new Lunatic Hospital or Asylum.

44. To amend an Act for altering and amending several Acts for the Improvement of the Harbour of Swansea in the County of Glamorgan.

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45. For uniting the Sheffield Gas Light Companies.
46. To facilitate the Settlement of the Affairs of the British Iron Company.
47. To enlarge the Powers granted by an Act, intituled An Act for regulating legal Proceedings by or against the Cwm Celyn and Blaina Iron Company, and for granting certain Powers thereto.
48. For regulating legal Proceedings by or against "The European Life Insurance and Annuity Company," and for granting certain Powers thereto.
49. For making and maintaining a Turnpike Road from Sidmouth to Collumpton, and also to or near to Hele Mill in the Parish of Bradninch, all in the County of Devon.
50. To amend Three Acts, for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Counties of Kent and Sussex draining into the River Rother and Channel of Appledore.
51. To alter and amend an Act for the better Protection of Property in the Borough of Liverpool from Fire.
52. To explain and amend the Acts incorporating the British Society for extending the Fisheries and improving the Sea Coasts of the Kingdom; for enlarging and improving the Harbour of Pulteney Town in the County of Caithness; and for lighting, cleansing, and improving the said Town, and better supplying the same with Water.
53. For amending certain Acts for paving, cleansing, and lighting the Streets and other public Passages and Places within the City and Borough of Canterbury.
54. For improving the Marsh and other Common Lands, and extending Rights of Common and of Recreation, within the Town and County of the Town of Southampton.
55. To amend the several Acts relating to the Preston and Wyre Railway, Harbour, and Dock Company.
56. For better supplying with Water the Parishes of Saint Michael, the Holy Trinity, and Saint John the Baptist, in the City of Coventry and County of Warwick.
57. For amending the Provisions of an Act for forming a Canal and other Works within and near certain Lands called the West Croft, in the Parish of Saint Mary in the Town and County of the Town of Nottingham; and for making certain Improvements within the said Town.
58. To authorize an Extension of the Edinburgh and Glasgow Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway.
59. For making a Railway from Leeds to Bradford, with a Branch to the North Midland Railway.
60. For making a Railway from the Manchester and Bolton Railway in the Parish of Eccles to the Parish of Whalley, all in the County Palatine of Lancaster, to be called "The Manchester, Bury, and Rossendale Railway."
61. For enabling the York and North Midland Railway Company to make a Railway from York to Scarborough, with a Branch to Pickering.
62. To enable the Eastern Counties Railway Company to make a Railway from the Northern and Eastern Railway at Newport, by Cambridge, to Ely, and from thence Eastward to Brandon and Westward to Peterborough.
63. To make a Branch Railway from the London and South-western Railway to Salisbury.
64. For making a Railway from the Town and Port of Whitehaven to the Town and Port of Maryport in the County of Cumberland.
65. For making a Railway from Chester to Holyhead.
66. For making a Railway from the City of Edinburgh to the Town of Berwick-upon-Tweed, with a Branch to the Town of Haddington.
67. For making a Railway from the Shoreham Branch of the London and Brighton Railway to Chichester.
68. For making a Railway from Exeter to Plymouth, to be called "The South Devon Railway."
69. To enable the South-eastern Railway Company to complete and maintain a Branch Railway and Approach to the Harbour of Folkestone, and to construct

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other Works in connexion with the said Harbour, and also to effect certain Alterations and Extensions of the Works of the Maidstone Branch of the said South-eastern Railway; and to amend the Acts relating to the said Company.

70. For making a Railway to connect the Edinburgh, Glasgow, and Slamannan Railways.

71. For making a Junction Railway from the Eastern Counties Railway at Stratford in the County of Essex to the River Thames, with a Branch Railway therefrom; and for constructing a Pier in the River Thames.

72. For repairing, maintaining, and improving the Road from Flint to Holmfrith, and thence to the Huddersfield and Woodhead Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a place called Bents to or near Dunford Bridge, all in the West Riding of the County of York.

73. For more effectually repairing the Road from Market Harborough in the County of Leicester to the City of Coventry.

74. For uniting the York Gas Light Company and the York Union Gas Light Company, and for more effectually lighting with Gas the City of York and the Suburbs and Vicinity thereof, in the County of York.

75. For paving, lighting, draining, cleansing, and otherwise improving the Town of Southampton, and for removing and preventing Nuisances and Annoyances therein.

76. For enabling the Mayor, Aldermen, and Burgesses of the City of Coventry to make certain Improvements, to provide a Residence for the Judges during the Assizes in the said City, and to establish a Cemetery for the Dead near the said City.

77. For making a Landing Place at or near Hythe in the Parish of Fawley and extra-parochial Places adjoining thereto in the County of Southampton.

78. For authorizing the Newport Dock Company to raise further Monies, and to make Sale of the Docks and Works; and for amending certain Acts relating to the said Dock.

79. For constructing Tidal Basins, a Dock, and other Works at Birkenhead in the County of Chester; and for other Purposes.

80. For enabling the Trustees of the Liverpool Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of Liverpool.

81. To alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the Edinburgh, Leith, and Newhaven Railway, and to make Two Branch Railways therefrom.

82. For making a Railway from the Manchester and Leeds Railway to the Towns of Ashton-under-Lyne and Stalybridge.

83. To enable the Sheffield, Ashton-under-Lyne, and Manchester Railway Company to make a Branch Railway to Ashton-under-Lyne and Stalybridge; and to alter and enlarge the Powers of the said Company.

84. To amend the Acts relating to the Taff Vale Railway; to authorize the Alteration of certain Works thereby authorized, and the Formation of additional Works; and to enlarge the Powers of the Company.

85. For making a Railway from Colchester to Ipswich.

86. To amend the Acts relating to the London and South-western Railway, and to authorize an Extension of the said Railway and other Works at or near the Nine Elms Station.

87. To extend the Line of the Garnkirk and Glasgow Railway; to enable the Company to raise a further Sum of Money; and to alter and amend the Acts relating to the said Railway.

88. For making a Railway from Mellorn in the Parish of Minster to Black Rock in the Parish of Saint Michael in Saint Minver Lowlands in the County of Cornwall.

89. To remedy certain Defects in the Apportionment of the Rent-charge in lieu of Tithes in the Parish of Necton in the County of Norfolk.

90. To confirm and extend the Provisions of an Act of the Provincial Parliament of Canada, passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the Gaspé Fishery and Coal Mining Company.

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91. For making a Railway from the London and Brighton Railway to Lewes and Hastings, with a Branch therefrom, all in the County of Sussex.

92. For making a Railway from the London and Croydon Railway at Croydon to Epsom.

93. For improving the Harbour and Quay of Wells in the County of Norfolk; and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay.

94. For lighting, paving, cleansing, widening, and improving the Streets of the Town or Parish of Wells in the County of Norfolk; for removing and preventing Nuisances therein; and for making new Streets or Roadways.

95. For incorporating the London Gas Light Company.

96. For regulating legal Proceedings by or against the Mariners and General Life Assurance Company, and for granting certain Powers to the said Company.

97. To continue and extend the Powers of the London and Croydon Railway Company.

98. To alter, amend, enlarge, and in part repeal the Acts relating to the Wishaw and Coltness Railway.

99. For making a Railway from the River Dee in the County of the City of Chester to Wrexham in the County of Denbigh, to be called "The North Wales Mineral Railway."

100. For making and maintaining a Railway from the City of Dublin to the Town of Cashel, with a Branch to the Town of Carlow.

101. For widening, repairing, and maintaining the Bridge of Ayr, commonly called the New Bridge, leading across the River of Ayr at the Royal Burgh or Town of Ayr in the County of Ayr; and for other Purposes in relation thereto.

102. For paving, lighting, cleansing, watering, regulating, and otherwise improving the Town and Borough of Swansea in the County of Glamorgan, and for removing and preventing Nuisances and Annoyances therein.

103. For making new Docks, and other Works connected therewith, in addition to the present Docks of Kingston-upon-Hull; and for amending the Acts relating to such last-mentioned Docks.

104. For better lighting, paving, cleansing, watching, regulating, and improving the Town of Rochdale and the Environs thereof, in the County Palatine of Lancaster.

105. For better paving, lighting, cleansing, and otherwise improving Part of the Parish of Newchurch in the Isle of Wight, called Ventnor, and for establishing a Market therein.

106. For improving the Drainage and Navigation of the Middle Level of the Fens.

107. For the better supplying and lighting with Gas or other illuminating Power Parts of the Abbey Parish of Paisley, and certain Towns or Villages and Places adjacent; and for other Purposes relating thereto.

108. To authorize the Division of the Parish and Vicarage of Leeds in the County of York into several Parishes and Vicarages.

PRIVATE ACTS,

Whereof the printed Copies may be given in Evidence.

1. For inclosing Lands in the Parish of Bury in the County of Huntingdon.

2. For inclosing Lands in the Parish of Ramsey in the County of Huntingdon.

3. To enable the Rector, Churchwardens, and Overseers of the Poor of the Parish of Bow Brickhill, in the County of Buckingham to sell certain Parcels of Land in the said Parish which were allotted to them under the Award of the Commissioners made in pursuance of the Bow Brickhill and Fenny Stratford Inclosure Act, passed in the Thirtieth Year of King George the Third.

4. For inclosing Lands in the Parish of Brandes Burton in the County of York.

5. For inclosing Lands in the Township of Haltwhistle in the Parish of Haltwhistle in the County of Northumberland.

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6. For inclosing Lands in the Manors or Lordships of Farrington and Cwmgilla in the Parish of Knighton in the County of Radnor

7. For altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the Town and County of the Town of Nottingham.

8. For inclosing Lands in the Parishes of Bleddfa and Llangunllo in the County of Radnor.

9. For enabling George Edwards and Walter Colbourn, the Committees of the Estate of William Beckett Neachell, a Person of unsound Mind, to make Conveyances for carrying into execution an Agreement for the Partition or Division of the Real Estates of William Orme, deceased, pursuant to an Order of the High Court of Chancery.

10. For authorising a new Entail to be made of those Parts of the Lands and Estate of Blythswood which lie in the County of Lanark; and for enabling Archibald Campbell, Esquire, of Blythswood, the Heir in possession of the said Estate, and his Successors, with Consent of Trustees, to sell or grant Feus of certain Parts thereof; and for other Purposes therein expressed.

11. To enable Archibald Marquess of Ailsa to borrow a certain Sum of Money upon the Security of his entailed Estates of Cassilis and Culzean, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of those Estates.

12. To authorize the Sale of the Fee Simple of the Estates of Francis Hale Rigby, of Mistley, in the County of Essex, Esquire, deceased, as devised by his Will, and for laying out the Monies to arise by such Sale.

13. For selling the entailed Estate of Schivas in the County of Aberdeen, belonging to Alexander Forbes Irvine, Esquire, and for investing the Price thereof in the Purchase of other Lands, to be entailed in lieu of the said Estate.

14. For carrying into effect a Contract between Edward Gresley Stone and Thomas Fulljames, Esquires, for the Sale to the said Thomas Fulljames of an Estate in the Parishes of Hasfield, Ashleworth, and Corse, in the County of Gloucester, Part of the Estates devised by the Will of John Stone, Esquire, deceased, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and for vesting certain other detached Estates in the Counties of Gloucester and Worcester, devised by the same Will, in Trustees, for Sale, and for investing the Monies arising therefrom in the Purchase of more convenient Estates, to be settled to the same Uses.

15. To authorize the Sale of a certain Leasehold Estate in the County of Kent, Part of the settled Estate of the Earl of Guilford.

16. To enable Sir James John Randoll Mackenzie of Scatwell, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of certain Claims for Money laid out and to be laid out in Improvements upon the said Estate.

17. For vesting in Trustees certain Parts of the entailed Estate of Seaforth, to be sold, and the Price applied in Payment of the Entailer's Debts, and the Surplus to be laid out in the Purchase of other Lands; for enabling the Heiress in possession to borrow a Sum of Money on the Credit of the said entailed Estates; and for other Purposes connected therewith.

18. For authorizing the Sale of certain Estates in the Counties of Meath and Cavan, limited by the Settlement executed on the Marriage of Pierce Morton and Louisa Morton, otherwise Somerville, his Wife, and for applying the Monies thence arising in Payment of Incumbrances affecting the said Estates prior to said Settlement.

19. To authorise the Sale of certain Estates and Mines belonging to the Chapel of Willenhall, in the Parish of Wolverhampton, in the County of Stafford; and to provide a Residence for the Incumbent of the Chapel.

20. To enable the Guardian of Henry Peach Keighley Peach, an Infant, to sell the next Presentation to the Rectory and Parish Church of Idlicote in the County of Warwick.

21. For enlarging the Powers contained in the Will of Sir John Ramsden,

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Baronet, deceased, to grant Leases of the Hereditaments in the Townships of Huddersfield, Honley, Dalton, and Aldmonbury, devised by such Will; and for other Purposes.

22. For enabling the Trustees under the Will of the late Mr Jonathan Passingham to grant Leases of the devised Estates, with Licences to dig Brick Earth; and to raise Monies upon Parts of the said Estates; and for the Purchase of an adjoining Property; and for other Purposes.

23. For enabling the Trustees under the Marriage Settlement of William Henry Bowen Jordan Wilson, Esquire, to sell the Estates comprised in the same Settlement, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses.

24. For enabling Trustees to sell the Estates devised by and settled to the Uses of the Will of William Harris, Esquire, deceased, and for authorizing the laying out of the Monies arising therefrom in the Purchase of other Estates, to be settled to the same Uses.

25. For carrying into effect a Compromise of a Suit for raising Portions for the younger Children of the Right Honourable Thomas Lord Le Despencer deceased, out of the settled Estates of the said Thomas Lord Le Despencer deceased at Mereworth in the County of Kent and elsewhere in the said County; and also for authorizing the Sale and Exchange of certain Parts of the said settled Estates.

26. To enable Thomas Alexander Baron Lovat to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.

27. To enable the Trustees of the Will of Sir George William Tapps Gervis, Baronet, deceased, to convey a Church at Bournemouth in the County of Southampton, to Her Majesty's Commissioners for building new Churches, and to endow the same.

28. For enabling the Trustees of the Will of William Atkins Bowyer, Esquire, deceased, to grant building, improving, and other Leases of certain Estates at Clapham in the County of Surrey, devised by the said Will and the Second Codicil thereto to the Trustees therein named.

29. For effecting an Exchange of the entailed Estate of Rosehall, belonging to the Right Honourable James Edward Lord Cranstoun, situated in the County of Sutherland, for certain Lands in the County of Kincardine belonging to James Matheson, Esquire, of Achany.

30. For confirming and carrying into execution certain Articles of Agreement made and entered into between Charles James, Lord Bishop of London, Thomas Thistlethwayte, Esquire, Thomas Somers Cocks, Esquire, Christopher Hodgson, Esquire, the Company of Proprietors of the Grand Junction Canal, and the Grand Junction Waterworks Company; and for other Purposes therein mentioned.

31. For vesting Parts of the Estates of William Devaynes, Esquire, deceased, in Trustees, upon trust to be sold; and for paying off a Mortgage Debt of Eight thousand two hundred Pounds due to James Parkinson, Esquire, out of the first Purchase Monies; and for laying out the Residue of the Purchase Monies, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.

32. For annexing to the united Bishopricks of Down, Connor, and Dromore, the House known as Dowa and Connor House, with the Appurtenances; and for other Purposes.

33. To confirm certain Contracts for Leases made and entered into by James Weller Ladbroke, Esquire, of Lands and Premises at or near Notting Hill, in the County of Middlesex; and to alter and enlarge the Powers of an Act passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled An Act to enable James Weiler Ladbroke, Esquire, and others, to grant Building Leases of Lands in Kensington, Paddington, Notting Barns, and Westborne, in the County of Middlesex; and for other Purposes relating thereto.

34. To explain an Act passed in the First Year of Her present Majesty,

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intituled An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable William Henry, Earl of Rochford, deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for other Purposes; and for extending the Operation of such Act to certain Parties whose Consent thereto was required.

PRIVATE ACTS,

Not printed.

35. For naturalizing John Frederick Sang.
36. For naturalizing Samuel Schuster.
37. For naturalizing Dame Susan Victoria Regina, Widow of Sir James Nugent, Baronet, deceased.
38. For naturalizing Antonio Lascaridi.
39. For naturalizing Michael Spartali.
40. For naturalizing Paul Cababé.
41. For naturalizing Frederick Figge.
42. For naturalizing Henri Victor Malan.
43. To enable Mary Bean, Widow, and her Issue, and Edward Whitley, Esquire, and Charlotte his Wife, and the Issue of the said Charlotte Whitley, respectively to take the Surname and use the Arms of Rodbard.
44. For naturalizing Dionysius Onufri Marianski.
45. To dissolve the Marriage of Samuel Archbutt, the younger, Gentleman, with Mary Amelia his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
46. For authorizing the Endowment of the Curacies of Werrington and Saint Giles-in-the-Heath, in the County of Devon, and the Alienation and Conveyance of the Rights of Patronage of the same Curacies respectively to Persons who shall further endow the same; and for other Purposes relating thereto.
47. To dissolve the Marriage of John Cheape, Esquire, a Lieutenant Colonel in the Military Service of the Honourable East India Company, with Amelia Frances Chicheley Cheape, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
48. To dissolve the Marriage of William Hough, a Major in the Military Service of the Honourable East India Company, with Sophia, his now Wife, and to enable him to marry again; and for other Purposes.
49. To dissolve the Marriage of Thomas Foreman Gape, with Fanny Louisa his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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ART. III.—*The Life and Correspondence of Thomas Arnold, D.D., late Head Master of Rugby School, &c., &c.* In 2 vols. By Arthur Penrhyn Stanley, M.A.

MORE interesting—more serviceable—more timely volumes have seldom issued from the press. They contain the records of a life and mind of no ordinary cast; a life distinguished, indeed, by few remarkable events, but spent in the service of God and man;—and a mind singularly energetic, earnest, and sincere; gifted with rare endowments, and sound to its very core.

Mr Stanley's task has been admirably executed. We never remember to have met with any memoirs—unless, perhaps, those of Sir Samuel Romilly—in which the biographer's part presents so little matter for criticism, and so much for sincere praise and admiration. Sound judgment, delicate tact, and a thorough comprehension of, and sympathy with, his subject, are conspicuous in every line.

Dr Arnold was educated at Winchester school, where he remained from his twelfth to his sixteenth year. In 1811 he was elected as a scholar at Corpus Christi College, Oxford, and soon obtained several university honours, and formed many friendships, to which he clung with unusual tenacity throughout his subsequent life. When he entered Oriel College as a fellow, in 1815, it numbered among its residents such men as Coplestone, Hampden, Whateley, Keble, and shortly afterwards Newman and Pusey, names since so famous in the ecclesiastical history of our times.

Few earnest and reflecting minds ever passed through the period of youth without finding their religious faith assailed by harassing doubts and difficulties; doubts which it is the happiness of many to elucidate and satisfy, which it is the sin of others to silence and suppress, and from which the careless, the ignorant, and the narrow, alone can purchase an unworthy and unenviable exemption. Arnold possessed too thoughtful and too honest a mind to escape the common lot; and though his doubts were afterwards exchanged for the most settled and happy convictions on all important points of Christian doctrine, yet for a time they were to the last degree distressing to his scrupulously conscientious mind, and ever after secured from him a deep and ready sympathy for all who had similar periods of trial to undergo. The following is the advice given him on the occasion by an orthodox friend, whose name Mr Stanley considerately with-

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holds from the opprobrium which such deliberate and avowed dishonesty deserves :

"The subject of them (Dr Arnold's doubts) is that most awful one, on which all very inquisitive reasoning minds are, I believe, most liable to such temptations—I mean the doctrine of the blessed Trinity. Do not start, my dear Coleridge; I do not believe that Arnold has any serious scruples of the understanding about it, but *it is a defect of his mind* that he cannot get rid of a certain feeling of objections—and particularly when, as he fancies, the bias is so strong upon him to decide one way from interest;—he scruples doing *what I advise him, which is to put down the objections by main force whenever they arise in his mind*, fearful that in so doing he shall be violating his conscience for a maintenance' sake."—I. 22.

This is a fair specimen of that tampering with truth—that trampling upon mental integrity, in which so many divines permit themselves to indulge without any apparent consciousness of its iniquity; and which is at once a cause and a confession of the rottenness of the foundation on which much of our dogmatic theology is reared. The same misty conceptions of right and wrong which are displayed in the passage we have cited, would have dictated and sanctioned the most impious of the "pious frauds" of the priestly ages. Coleridge did not respond to the sentiment.

"I should (says that great thinker, in reference to his own religious doubts) perhaps be a happier—at all events a more useful man—if my mind were otherwise constituted. But so it is; and even with regard to Christianity itself, like certain plants, I creep towards the *light*, even though it draw me away from the more nourishing warmth."*

Dr Arnold's idea of the treatment which doctrinal doubts ought to meet with from honest and inquiring minds, was happily not that of his clerical adviser.

"What I most crave to see (he says in a letter to a friend in 1838), and what still seems to me no impossible dream, is *inquiry and belief going together*."

Again, he writes to Lady Francis Egerton :—

"Weakness of faith is partly constitutional, and partly the result of education and other circumstances; and this may go intellectually almost as far as scepticism; that is to say, a man may be perfectly unable to acquire a firm and undoubting belief of the great truths of religion, whether natural or revealed. He may be perplexed with doubts all his days; nay, his fears lest the Gospel should not be true,

* 'Confessions of an Inquiring Spirit.'

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may be stronger than his hopes that it will. And this is a state of great pain, and of most severe trial; *to be pitied heartily, but not to be condemned.*"—I, 283.

This topic is one of so much importance in our estimate of Dr Arnold's character, that we shall be excused for quoting one other passage illustrative of his views upon it;—a passage deserving the deepest consideration from those who wonder at the number of serious and powerful minds who in every age have turned with loathing from evangelical religion in the only form in which it has ever been presented to them.

"Authority cannot compel belief. The sceptic, who knows not what it is to grasp anything with the firm grasp of faith, may mistake his acquiescence in a doctrine for belief in it; the ignorant and careless, who believe only what their senses tell them, may lay up the words of divine truth in their memory, may repeat them loudly, and be vehement against all who question them. But minds to which faith is a necessity, which cannot be contented to stand by the side of truth, but must become altogether one with it,—minds which know full well the difference between opinion and conviction, *between not questioning and believing;* they, when their own action is superseded by an authority foreign to themselves, are in a condition which they find to be intolerable. Told to believe what they cannot believe; told that they ought not to believe what they feel most disposed to believe, *they retire altogether from the region of divine truth, as from a spot tainted with moral death,* and devote themselves to other subjects; to physical science it may be, or to political; where the inherent craving of their nature may yet be gratified; where, however insignificant the truth may be, they may yet find some truth to believe. This has been the condition of too many great men in the Church of Rome; and it accounts for that bitterness of feeling with which Machiavelli, and others like him, appeared to have regarded the whole subject of Christianity." . . . . "Let us not do evil, that evil may be escaped from; and *it is an evil, and the fruitful parent of evils innumerable,* to do violence to our understanding or to our reason in their appointed fields. By God's blessing, if we do go boldly forward wherever truth shall lead us, our course need not be interrupted, neither shall a single hair of our faith perish."—Notes to Vol. iv of Sermons, p. 475—483.

After leaving Oxford, Dr Arnold settled at Laleham, where he remained for nine years, occupied in preparing pupils for the University—an employment in which he appears to have felt real pleasure—and in preparing his valuable edition of 'Thucydides.' It was during this period also that his attention began to be directed to those studies which induced him subsequently to undertake his 'History of Rome;' the work on which, when his personal labours and excellencies are forgotten, his fame

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with posterity will chiefly rest. At the close of 1827 he was elected Head Master of Rugby School, solely on account of the weight of the testimonials to his character and powers, which was laid before the trustees. From this period to the close of his career, his duties as a teacher occupied the chief portion of his time and thoughts. Into this part of his life, however, it is not our intention to enter. The services which he rendered both to Rugby and to the cause of public education generally, are now fully acknowledged, and cannot probably be too highly estimated. "Not so much among his own pupils, nor in the actual scene of his labours, as in every public school throughout England, is to be sought the chief and enduring monument of Dr Arnold's Head-Mastership at Rugby."

One of the subjects most constantly before Dr Arnold's mind, and most deeply interesting to his feelings—so much so as to engross nearly two-thirds of his correspondence—was, the purification of "The Church;" the restoration of its true idea. The topic was one which seemed actually to *haunt* him for many years of his life. We are, however, obliged to confess that we have been unable—probably the fault is our own—to gather from the whole of his writings any very clear or consistent conception of his meaning. When we find him saying, (Life, II, 65), "The scripture notion of a Church is, a Religious Society that should help a man to become better and holier, just as civil society helps us in civilization," we have a simple and distinct definition. But when we find him again (Sermons, iv, 210), speaking of "Christ and His very mystical body, the Church," we are thrown as much into the dark as ever.* In some passages (II, 60, and elsewhere), he speaks of the Church as "a most divine institution," and "one of the most efficient instruments of moral and spiritual improvement." In others he declares that, "supposing a young man to set seriously to work to turn to God and study the Scriptures, *it is clear that all this stuff about the true Church* would never come into his head;" and he asks, (II, 67), "Does our Lord, or do His Apostles, encourage the notion of salvation through the Church? Or would any human being ever collect such a notion from the Scriptures?"

* "Now, the true and grand idea of a Church, that is a society for the purpose of making men like Christ, earth like heaven, the kingdoms of the world the kingdom of Christ, is all lost; and men look upon it as an institution for religious instruction and worship, thus robbing it of its life and universality; making it an affair of clergy, not of people; of preaching and ceremonies, not of living."—II, 15.

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Two points, however, were so perfectly clear to his own mind that he had no difficulty in making them clear to his readers, viz., that the Church at present is most deplorably corrupt, and that the idea, or rather the institution, of the priesthood, is the cause of its corruption. "The more I think of the matter (he writes, I, 46), and the more I read of the Scriptures themselves, and of the History of the Church, the more intense is my wonder at the language of admiration with which some men speak of the Church of England, which certainly retains the foundations sure, as all other Christian societies do, except the Unitarians, but has overlaid it with a very sufficient quantity of hay and stubble, which I devoutly hope to see one day burnt in the fire." So strong indeed was his conviction of the thorough corruption of the English establishment, and its unsuitability to its work, that he thus records (I, 287) his deliberate opinion of its hopeless doom. "The Church, as it now stands, no human power can save."*

The true end of the Church he maintained to be the putting down of moral evil; its true nature, not an institution of the Clergy, but a living society of all Christians; and "it was as annihilating what he believed to be the apostolical idea of a Church, that he felt so strongly against that principle of separation between the clergy and laity, which he used to denounce under the name of priestcraft." (I, 204). His abhorrence of the priesthood breaks out almost in every page of his correspondence. Thus (II, 59), he says: "Every part of the New Testament negatively confutes the priestcraft heresy, because that is to be found nowhere, insomuch that no man ever yet fell, or could fall, into that heresy by studying the scriptures." Again (II, 60) "My abhorrence of the priestcraft and succession doctrines (I do not mean that they are synonymous) is grounded on my firm conviction that they are and ever have been a most formidable device of the great enemy to destroy the real living Church. .....And in this sense, so far as popery is priestcraft, I do believe it to be the very mystery of iniquity."—"That the church system, or rather the priest system, is not to be found

* "The following expressions regarding the English Church are unhappily too just, but would have been considered shocking if they had proceeded from any one but a clergyman. He speaks of 'the fanaticism which has been the peculiar disgrace of the Church of England'—a dress, a ritual, a name, a ceremony, a technical phraseology,—the superstition of a priesthood without its power,—the form of episcopal government without its substance,—a system imperfect and paralyzed, not independent, not sovereign,—objects so pitiful, that if gained ever so completely, they would make no man the wiser or better; they would lead to no good, intellectual, moral, or spiritual."—(Life, II, 5.)

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in scripture, is as certain as that the worship of Jupiter is not the doctrine of the gospel."—Life, II, 256.

The following passage (the last we shall cite on this subject) is worthy of attention, as showing how utterly his opinions, as to the clerical profession, were at variance with those ordinarily received:—

"In your letter of the 2nd of August, you ask whether I think that a Christian ministry is of divine appointment. Now I cannot conceive any Church existing without public prayer, preaching, and communion; and some must minister in these offices. But that these 'some' should be always the same persons,—that they should form a distinct profession, and following no other calling, should be maintained by the Church, I do not think to be of divine appointment, but I think it highly expedient that it should be so."—II, 275.

Many of Dr Arnold's letters, and some of his more deliberate writings, are devoted to the elucidation of his peculiar views, touching the union between Church and State. He deprecated the separation of the two as one of the worst evils that could befal the community; while, at the same time, he abjured the idea of an alliance between them. He conceived that the State should be itself *the Church,—i. e.*, a society of Christian men, guided by Christian principles, and bound together not merely by community of worldly interest, still less by community of doctrinal views, but by *community of obedience*, by allegiance to one common spiritual master:—

"It was then only (says Mr Stanley, I, 207) that he conceived the possibility of a full development of the Church, or a full Christianization of the State, when the Church should have become, not a subordinate, but a sovereign society; not acting indirectly on the world through inferior instruments, but directly through its own government, the supreme legislature,—when all public officers of the State, feeling themselves to be necessarily officers of the Church, should endeavour, each in his vocation and ministry, to serve its great cause, not with a subject's indifference, but with a citizen's zeal,—when the jealousy with which the clergy and laity at present regard each other's interference, would be lost in the sense that their spheres were, in fact, the same; that nothing was too secular to claim exemption from the enforcement of Christian duty,—nothing too spiritual to claim exemption from the control of the government of a Christian state,—when the whole nation, amidst much variety of form, ceremonial, and opinion, should yet feel that the great ends of Christian and national society, now for the first time realized to their view, were a far stronger bond of union between Christians, and a far deeper division from those who were not Christians, than any subordinate principle, either of agreement or separation."—I, 208.

From this idea of the real essence of a church, he derived the

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application to religious establishments of those sound and simple principles of justice which so distinguish him from his clerical brethren, and which raised against him such a storm of indignation when he first ventured to promulgate them. To us they appear so unquestionable and so obviously clear, that nothing but the inveterate habit which has so long and so mischievously prevailed, of applying one standard of morality to church matters, and another to the world at large, could ever have obscured them. Assuming the propriety and advisability of an establishment (in which he firmly believed), Dr Arnold held that justice requires us, either to establish the church of the majority, or so to extend the basis, and open the arms, of our establishment, as to embrace the majority within its pale. Thus he concludes that we must establish the Catholic religion in Ireland; and that in England we must either so enlarge and liberalize the Church as to include the great body of the Dissenters, or give up the establishment entirely:—

"The established Church is only the religion of a part of the nation, and there is the whole difficulty. The Reformers, or rather their successors, in Elizabeth's time, wished to root out dissent by the strong hand. This was foolish, I think, as well as wicked: but then, if we do not root out dissent, and so keep the establishment coextensive with the nation, we must extend the establishment; or else, in the end, there will and ought to be no establishment at all, which I consider as one of the greatest of all evils." . . . "*Either the Church must be more comprehensive, or if this be impracticable, then an establishment cannot be maintained*: and the next best thing will be to take care that all the Church property is applied to strictly public purposes, to schools, hospitals, alms-houses, or something of the sort, and that it is not stolen by the landlords. For the only possible way in which there can be a robbery of public property is to transfer it to private uses."—Life, II, 16—68.

In writing to the Archbishop of Dublin, he says—

"I know full well that my principles would lead to the establishment of the Roman Catholic religion in three-fourths of Ireland."—I, 335.

And again to another friend—

"The Christian people of Ireland, *i. e.* in my sense of the word, the Church of Ireland have a right to the full benefit of their church property, which now they cannot have, because Protestant clergymen they will not listen to. I think then that it ought to furnish them with Catholic clergymen.—II, 334. Whether Ireland remain in its present barbarism, or grow in health and civilization, *in either case the downfal of the present establishment is certain:* a savage people will not endure the insult of a hostile religion; a civilized one will reasonably insist on having their own."—I, 21.

In one point especially these volumes are peculiarly interest-

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ing, and to the world at large may be peculiarly useful. They afford a most instructive picture of the utmost efforts of a most excellent heart and a most vigorous understanding, to be at once orthodox, and liberal,—and of the utter failure of those efforts. The 'Life' abounds in instances of the perplexities, and (what seem to us) the inconsistencies in which Dr Arnold was perpetually involved by this attempt "to fill his cup at the same time at the mouth, and at the source, of the Nile,"—to reconcile two conditions in their very nature incompatible. Generally speaking, he preserved his liberality at the expense of his orthodoxy. Sometimes, though rarely, he trenched upon his liberality to maintain the orthodoxy of his opinions.

The essence of liberality of mind in matters of religion, we conceive to consist in the belief, and the practical *feeling*, that conscientious differences of opinion, however we may deplore them as intellectual errors, are not to be regarded as moral faults,—ought in no degree to effect our estimate of a man's character, virtue, or acceptability to Him who "seeth not as man seeth." To believe our own doctrines to be true, and the opposite doctrines to be erroneous, is the nature of strong conviction. To believe that those who hold the opposite doctrines with sincerity will be punished for so doing, is bigotry, and we believe it to be sin, because we hold it to be the dictate —however unconsciously—of an unchristian spirit. Now both the humility and the innate justice of Dr Arnold's mind, naturally disposed him to liberality in its widest signification; but his church education stood sadly in his way. In early life he appears to have met with a good deal of intolerance even from his most intimate friends, and complains of it in language which shows that he clearly saw wherein its injustice and unworthiness consisted. To one friend we find him expressing his

"Fear that those engaged in the same great cause will never heartily sink their little differences of opinion, when I find that you, who have known me so long, cannot hear them without thinking them not merely erroneous, but morally wrong, and such, therefore, as to give you pain when uttered. I am not going to renew the argument; it is very likely that I was wrong in it; and I am sure it would not annoy me that you should think me so, just as I think you wrong in any point, or as I think J. Keble wrong in half a hundred, yet without being grieved that he should hold them, that is, *grieved as at a fault.*"—I, 69.

A few years later, he writes to the Rev. J. Hearn:—

"It grieves me more than I can say, to find so much intolerance; by which I mean over-estimating our points of difference, and under-estimating our points of agreement. I am by no means indifferent to truth and error, and hold my own opinions as decidedly as any

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man; which of course implies a conviction that the opposite opinions are erroneous. In many cases, I think them not only erroneous but mischievous; still they exist in men whom I know to be thoroughly in earnest, fearing God, and loving Christ, and it seems to me a waste of time, which we can ill afford, and a sort of quarrel, 'by the way,' which our Christian vow of enmity against moral evil makes utterly unseasonable, when Christians suspend their great business and loosen the bond of their union with each other, by venting fruitless regret and complaints against one another's errors, instead of labouring to lessen one another's sins."—Life, I, 303.

The following sentence, addressed to the same correspondent, contains the whole creed of genuine liberality:—

"Of course he who believes his own views to be true, must believe the opposite views to be in error; but the great point, in our judgment and feelings towards men, seems to be *not to confound error with fault.*"—II, 265.*

This charity towards the holders of opposite opinions, which Dr Arnold claimed for himself, he fully exercised towards others, with few and rare exceptions.† It was when he came to consider the case of Unitarians, that he found the greatest difficulty in reconciling the large charity of an honest, humble, and expansive mind with the intolerant narrowness of the Athanasian creed, a creed which declares not only that the Uni-

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* What a sad and unworthy qualification of this true and charitable sentiment immediately follows! It really comes upon us with as painful a shock as a blow from one we had regarded as a bosom friend. He continues:—"We are speaking, you will observe, of *such errors as are consistent with membership, not only in Christianity, but in the same particular Church!*"

† We regret to notice *one* signal exception. Dr Arnold says (II, 180)—"Bentham I have always thought a bad man, and also, as Carlyle called him, a bore of the first magnitude." We can scarcely conceive this to have been a deliberately formed opinion. Arnold and Bentham differed on many most important points, but both pursued one common object—the improvement of their fellow men—with equal zeal and equal sincerity; and this consideration alone should have insured a more charitable judgment. Few men ever existed to whom the epithet, *bad*, could with less justice be applied. Through the whole of a long life he laboured assiduously to promote those public objects which he considered most conducive to the social elevation of mankind, amid much obloquy, and many sacrifices. This was, however, we trust, only a momentary lapse into uncharitableness on Dr Arnold's part. His habitual sentiments towards such heretical fellow-labourers as Bentham, is thus beautifully expressed (I, 76).

"My feeling towards men whom I believe to be sincere lovers of truth and the happiness of their fellow-creatures, while they seek those ends otherwise than through the medium of the gospel, is rather that they are not far from the kingdom of God, and might be brought into it altogether, than that they are enemies whose views are directly opposed to our own. That they are not brought into it is, I think, chargeable to a considerable degree, upon the professors of Christianity."

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tarians are not Christians, but that, "without doubt they shall perish everlastingly." Dr Arnold was too good a man to hold such language or cordially accept such views; but in 1829 he writes thus to the parent of one of his pupils, who belonged to that denomination (I, 234):—

"My difficulty with your son is not one which I feel as a churchman, but as a Christian; and goes only on this simple principle, that I feel bound to teach the essentials of Christianity to all those committed to my care—and with these the tenets of the Unitarians alone, among all the Dissenters in the kingdom, are in my judgment irreconcilable."

A few years later, however, he has discovered how inconsistent any such exclusion is with the charity which 'hopeth all things,' and he unreservedly admits (II, 78) that—

"A Unitarian, as such, is a Christian; that is, if a man follows Christ's law, and believes His words according to his conscientious sense of their meaning, he is a Christian; and though I may think that he understands Christ's words amiss, *yet that is a question of interpretation, and no more;* the purpose of his heart and mind is to obey and be guided by Christ, and therefore he is a Christian."

He repeats the same conviction (I, p. 314). After expressing his belief that, "if we could get rid of the Athanasian Creed, many good Unitarians would find a stumbling block removed out of their path," he proceeds thus:—

"But whatever they may think of his nature, I never meant to deny the name of Christian to those who truly love and fear Him; and though I think it is the tendency of Unitarianism to lessen this love and fear, yet I doubt not that many Unitarians feel it notwithstanding, and thus He is their Saviour, and they are his people."

The rectitude of Dr Arnold's understanding, and the kindliness of his feelings, enabled him to seize firm hold of that noble, light-giving, purifying, pacifying truth—which strikes at the root of all dogmatic theology—that *unity of spirit*, not *uniformity of doctrine*, is the object to be desired by Christian citizens; that the first is attainable, and worth any price to attain; that the second is unattainable, and that the attempt to attain it hinders the achievement of the first:—

"It was as frustrating the union of all Christians, in accomplishing what he believed to be the true end enjoined by their common Master, that he felt so strongly against the desire for uniformity of opinion or worship, which he used to denounce under the name of sectarianism." —I, 204.

In writing to the Rev. Julius Hare, a kindred spirit and worthy coadjutor, he says:—

"These are matters particular, but all bearing upon the great philo-

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sophical and Christian truth, *which seems to me the very truth of truths, that Christian unity, and the perfection of Christ's Church, are independent of theological articles of opinion*;* consisting in a certain moral state and moral and religious affections, which have existed in good Christians of all ages and all communions, along with an infinitely varying proportion of truth and error (I. 359.) My own firm belief is that every difference of opinion among Christians is either remediable by time and mutual fairness, or else is indifferent."—II, 17.

We would wish especially to call the attention of those who are fond of quoting passages of scripture in justification of their own intolerance, to Dr Arnold's view of the right interpretation of such passages:—

"I think you will find that all the 'false doctrines' spoken of by the Apostles, were doctrines of sheer wickedness; that their counterpart in modern times is to be found in the Anabaptists of Munster, or the fifth monarchy men, or in mere secular high churchmen, or hypocritical evangelicals,—in those who make Christianity minister to lust, to covetousness, or to ambition; not in those who interpret scripture to the best of their conscience and ability, be their interpretation ever so erroneous."—I, 325.

It is delightful to be able to transcribe such sentiments as these from the writings of an English divine of such acknowledged eminence and unquestioned piety as Dr Arnold; for we think it is scarcely an exaggeration to say, that in no country, and at no period, has dogmatic theology—(the principle, that is, of conceiving Christianity to consist in creed, and not in spirit—of conceiving correct opinions, not devotional feelings and virtuous practice, to be the one thing needful)—produced more frightful mischiefs than in England at the present day. In Italy it divided the thinking world into hypocrites and unbelievers; in France it sharpened the sword of civil war; in Spain it lighted the fires of the Inquisition; throughout Europe it sowed discord in every family, and separated chief friends; but in our own country, and in our own day, this same error has decreed that whole classes of the people of a great nation shall remain in a condition of the most

* Dr Arnold seems to have felt painfully the isolation in which his peculiar views placed him, but without having had any distinct conception of the exact point in them which caused the isolation. The fact was, that his postponement of *dogma* to *feeling*—the preference which he gave to the spirit of Christ over the spirit of Athanasius—placed a wide gulf between him and most of his orthodox brethren; while the only parties who agreed with him on this point, belonged to a sect whose speculative doctrines he held in especial abhorrence. He was separated from the Trinitarians by his Christian spirit; and from the Unitarians by his Christian creed.

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perilous mental darkness, and the most disgraceful mental and spiritual degradation; that generation after generation of our countrymen shall pass through life in unreclaimed barbarism, and shall go down to the grave, having earned nothing but the wages of sin, rather than that dogmatic theology should descend from its place of pride.

Dr Arnold having lapsed into the noble and prolific heresy of liberality towards men of opposite opinions, we shall not be surprised to find him wandering from the received standard of orthodoxy in several minor points.

"They (*i. e.* other sects) are not all error, nor we all truth; *e. g.* the Quakers reject the Communion of the Lord's Supper, thereby losing a great means of grace. But are they not tempted to do so by the superstitions which other Christians have heaped upon the institution? and is there not some taint of these in the exhortation even in our own Communion Service? And, with regard to the greatest truths of all, you know how Pelagianism and Calvanism have encouraged each other; and how the Athanasian Creed at this day confirms and aggravates the evils of Unitarianism."—I, 289.

To a former pupil, who had written to him for his opinion on the subject, he replies:—

"I do *not* believe the damnatory clauses in the Athanasian Creed, under any qualification given to them, except such as would substitute for them propositions of a wholly different character."—I, 120.

"But," he goes on to say, "I read the Athanasian Creed, and have, and would again subscribe the article about it, because I do not conceive the clauses in question to be essential parts of it, or that they were retained deliberately by our Reformers after the propriety of retaining or expunging them had been distinctly submitted to their minds. . . . Nor do I think that the Reformers, or the best and wisest men of the Church since, would have objected to any man's subscription, if they had conceived such a case, but would have said: 'What we mean you to embrace is the belief of the general Church, as expressed in the three creeds with regard to the points—many of them having been much disputed—on which those creeds pronounce. The degree of blameableness in those who do not embrace this belief is another matter, *on which we do not intend to speak particularly* (!) in this article."—II, 121.

Dr Arnold "does not think there is anything evasive or unfair in this." Of course he did not. We are so convinced of the unflinching integrity of his character, that we feel sure he would have cut off his right hand rather than have knowingly descended to any unworthy quibbling or evasion on so high a matter. Yet, the 8th article says that this creed "ought to be *thoroughly* received and believed;" and nothing can be more

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certain than that the damnatory clauses are not mere extraneous additions, but integral portions of it, fully incorporated into it. They are five in number: two in the beginning, two in the middle, and one at the end; a kind of Parthian kick of the charitable divine, whoever he may be, to whom it is to be attributed. Nor will history in the least bear out Dr Arnold's supposition, that those who inserted this creed into our liturgy, "did not intend particularly" to damn those who reject it. We know that many of them were men to whose dogmatizing and unchastened spirits such unchristian denunciations of antagonists would be particularly consonant, and who would be apt to regard them as the cream and jewel of the whole. But the conclusion which all this forces on our own minds, and which we wish, even at the hazard of repetition, to impress upon our readers, is that the dogmatic theology of our Church constantly drives its members into dilemmas, in which they must either sacrifice their orthodoxy to preserve their Christianity, or have recourse to explanatory subterfuges which, in any other science, could only be described as tampering with conscience and with truth.

On the subject of subscription to the articles,—that perpetual stumbling-block and cause of offence to tender consciences and honest minds, which our Church has placed upon her very threshold as if to make a sacrifice of intellectual integrity, and a stain upon intellectual nobleness, indispensable conditions for entering therein—Dr Arnold adopted the laxer interpretation; and he defends this interpretation chiefly (it is worthy of note) because *on no other interpretation could able and honourable men enter upon the clerical profession.*

"I have been satisfied for many years—and wonder almost that I could ever have been otherwise—that ordination was never meant to be closed against those who, having been conscientious members of the Church before, and wishing in earnest to be ministers of the Church now, holding its truths, and sympathising in its spirit, yet cannot yield an active belief to the words of every part of the articles and liturgy as true, without qualification or explanation. I think so on historical as well as *à priori* grounds." . . "*A whole Church can never be expected to agree in the absolute truth of such a number of propositions as are contained in the articles and liturgy.* This consideration seems to me decisive also on *à priori* grounds. *For otherwise the Church could by necessity receive into the ministry only men of dull consciences or dull minds;—of dull, nay almost of dishonest minds,* if they can persuade themselves that they actually agree in every minute particular with any great number of human propositions; of dull consciences, if exercising their minds freely, and yet believing that the Church requires the total adhesion of the

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understanding, they still, for considerations of their own convenience, enter into the ministry in her despite."—I, 172.

What stronger condemnation of the system of our Church ever proceeded from her bitterest antagonists. For what is this but to declare that the Church *cannot* require what she affirms that she *does* require; that she cannot *mean* what she *says;* because if she did, *certain absurd and mischievous consequences would ensue?* Why, the certainty of these absurd and mischievous consequences is the very reason why she *ought not* to require what she *does* require, and to say what she does *say.*

We pass over many opinions on a variety of topics, which we should have wished to quote, both for the sake of the authority they would carry with them, as well as to show how far Dr Arnold's mind had shaken off the trammels of a strict and narrow orthodoxy, to call attention to his views on a subject, regarding which much misconception and much culpable intolerance prevail — the due observance of the Sabbath:

"My conclusion is (he writes to his sister, I, 320) that whilst St Paul on the one hand would have been utterly shocked, could he have foreseen that eighteen hundred years after Christianity had been in the world, such an institution as the Sabbath would have been needed, yet that seeing it is still needed, the obligation of the old commandment is still binding in the spirit of it; that is, that we should use one day in seven as a sort of special reminder of our duties, and a relieving ourselves from the over-pressure of worldly things, which daily life brings with it. But our Sunday is the beginning of the week, not the end; a day of preparation and strengthening for the week to come, not of rest for the past; and in *this* sense the old Christians kept it, because it was the day on which God *began* his work of creation; so little did they think that they had anything to do with the old Jewish Sabbath."

To a gentleman who had requested him to support a resolution against Sunday travelling by railway, he writes thus, (II, 198):—

"Of course, if I held the Jewish law of the Sabbath to be binding upon us, the question would not be one of degree, but I should wish to stop all travelling on Sundays, as in itself unlawful. But holding that the Christian's Lord's day is a very different thing from the Sabbath, and to be observed in a different manner, the question of Sunday travelling is in my mind quite one of degree; and whilst I entirely think that the trains which travel on that day should be very much fewer on every account, yet I could not consent to suspend all travelling on a great line of communication for twenty-four hours, especially as the creation of railways necessarily puts an end

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to other conveyances in the same direction: and if the trains do not travel, a poor man, who could not post, might find it impossible to get on at all." . . . . . "That the Christian Sunday should be a day of greater leisure than other days, and of the suspension, so far as may be, of the common business of life, I quite allow; but then I believe that I should have a much greater indulgence for recreation on a Sunday than you might have; and *if the railway enables the people in the great towns to get out into the country on a Sunday, I should think* it a very great good. I confess I would rather have one train going on a Sunday, than none at all."—I, 201.

We now take our leave of Dr Arnold as a theologian. But he was also a citizen, and as such took the deepest interest in all the public events with which the period of his life was so thickly crowded. His concern for the social evils of the country was so vivid and profound, as materially to impair his private happiness, and to sadden his ordinarily joyous spirits. (I, 275). His sympathy was with *the People;* he felt strongly the deep arrears of debt due by the higher classes to the poorer, whose sufferings their selfishness and neglect have so much contributed to produce and aggravate; and he saw clearly the tremendous peril of leaving such evils unredressed. "The disorders in our social state (he writes to his friend Bunsen, in 1834), appear to me to continue unabated; and you know what trifles mere political grievances are compared to these." And to another friend he says:—

"The subject haunts me, I may almost say, night and day. It fills me with astonishment to see anti-Slavery and Missionary Societies so busy with the ends of the earth, and yet all the worst evils of slavery and heathenism are existing among ourselves. . . . My fear with regard to every remedy that involves any sacrifice to the upper classes, is, that the public mind is not yet enough aware of the magnitude of the evil to submit to them."—I, 131.

His views of the real wants and requirements of the poor were sensible and correct to a degree which it is rare to find among those who have mixed so little with them.

"It seems to me (he writes in 1839) that people are not enough aware of the monstrous state of society, absolutely without a parallel in the history of the world, with a population poor, miserable, and degraded in body and mind as much as if they were slaves, and yet called free-men, and having power as such of concerting and combining plans of risings, which makes them ten times more dangerous than slaves. And *the hopes entertained by many of the effects to be wrought by new churches and schools, while the social evils of their condition are left uncorrected, appear to me to be utterly wild.*"—I, 175.

To the Chevalier Busen he says (II, 351): "Education is

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wanted to improve the physical condition of the people; and yet *their physical condition must be improved before they can be susceptible of education.*" There is deep wisdom in these sentences; and they convey at once an answer and a reproof to those who blame the Economists and other friends of the people, for attaching too much weight to the supply of their mere material necessities and comforts. For ourselves, we can say that we attach such vast importance to the diffusion of sound principles of commercial and political economy, not mainly because on them depends the development of industry, and the due reward of the industrious,—not mainly because they are inextricably interwoven with our national pre-eminence, with the extension of our trade, and the feeding of our famished people; but because we believe that deeper interests than those of mere material well-being are bound up in their adoption; because we believe that a vast part—far the greater part—of the moral and social degradation which so disfigures and disgraces England, arises from the physical destitution brought about by our restrictive laws; because we know that good food is a necessary portion and preliminary of a good education, and that you cannot make a wise and virtuous people out of a starving people. We have seen much of the working classes; we have seen a good deal of the efforts made to ameliorate their condition and amend their character; and we know that the hopeless misery, the *enforced* and *inescapable* destitution too often prevalent among them, is the rock upon which all these efforts have been wrecked. You *cannot* speak of intellectual pleasures to a man who is hungering for his daily bread; you cannot speak of virtue and forbearance to a man who has had no breakfast, and expects no supper; you cannot, for very shame, preach patience to a man whose children are clamouring around him for the food *of which your laws have robbed him*; you cannot urge a scrupulous regard for the rights and property of others, upon men whose own rights and whose own property have been so shamelessly disregarded and trampled down: at least, if you do preach all this, you do it with an uneasy consciousness that you are requiring from the poor and the oppressed an effort of virtue far above the capacity of the wealthy and the powerful. There are strange inconsistencies in the human intellect and heart: perhaps we all partake of them, and should, therefore, speak of them with leniency in others. But of all those strange and irreconcilable anomalies which make wise men wonder and good men weep, the saddest and the strangest seems to us that exhibited by philanthropists like Lord Ashley, who lament the degraded condition of large bodies of our working classes, and yet do their utmost to preserve and perpetuate those very laws from which that degrada-

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tion springs; who, in one and the same session, pass laws to educate the people, and to starve the people; and yet cannot see, or will not see, that they are doing far more mischief with one hand than they can undo with the other. Now we know how easily even good men can deceive themselves, and therefore we do not stigmatize these men as hypocrites; we believe that many of them are sincere in wishing to improve the condition of the people, *but they are not willing to pay the necessary price*, and they wish to effect their object at the expense of others, rather than at their own. They want to do that which their religion tells them is impossible—which even the privileged orders are not privileged to do—they want to serve God and Mammon.

We wish for the triumph of a free commercial policy rather as philanthropists than as economists. We wish for it, not only because it is identified with those eternal laws of justice which ought everywhere to be the pervading principles of action, but because it will prepare the way, by the spread of physical comfort among the people, for the seeds of higher and worthier attainments; because we see in that triumph a prospect, and the only prospect, for the realization of those noble plans of social happiness and virtue, to have contributed to which—even the widow's mite—is enough for the ambition of the most aspiring, and should be our sufficient, if our sole, reward.

The opinions of Dr Arnold on the general principles of politics acquire peculiar interest from the circumstance that they were not derived from, nor linked with, adhesion to any party, but were the deliberate, scientific deductions of a mind profoundly versed in the rich stores of historical wisdom; and endowed with that unrivalled instrument of clear vision—an invincible love of justice. He regarded the laws of political science as the main lesson to be learned from history, "the desire of taking an active share in the great work of government, the highest earthly desire of the ripened mind." The general nature of his views may be stated in two words:—he was the disciple—and the apostle—of progress as opposed to stagnation; in other words, he was essentially a liberal, a reformer, however, on points of application, he might differ from the parties who usually usurp those epithets. Conservatism he abhorred, both as ruinous and unchristian:—

"There is nothing (he says, I, 259) so revolutionary, because there is nothing so unnatural and so convulsive to society, as the strain to keep things fixed, when all the world is by the very law of its creation in eternal progress; and the cause of all the evils of the world may be traced to that natural, but most deadly error, of human in-

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dolence and corruption, that our business is to preserve, and not to improve. It is the ruin of us all alike, individuals, schools, and nations."

And again (I, 365):—

"The real parties in human nature are the conservatives and the advancers; those who look to the past or present, and those who look to the future .... Thus conservatism may sometimes be ultra-democracy (see Cleon's Speech in Thucydides, iii), sometimes aristocracy, as in the civil wars of Rome, or in the English constitution now; and the advance may be sometimes despotism, sometimes aristocracy, but always keeping its essential character of advance, of taking off bonds, removing prejudices, altering what is existing. The advance, in its perfect form, is Christianity, and in a corrupted world, must always be the true principle."*

We must hasten to a close. The predominant characteristic of Dr Arnold's mind, and that for which above all others we honour him, was his *earnestness*. The idea conveyed by the motto from Schiller, which Carlyle has prefixed to his 'Past and Present"—ernst ist das leben—seems to have been, in all its magnificent meaning, perpetually present to his thoughts. Life, in his view of it, was no pilgrimage of pleasure, but a scene of toil, of effort, of appointed work—of grand purposes to be striven for—of vast ends to be achieved—of fearful evils to be uprooted or trampled down—of sacred and mighty principles to be asserted and carried out. "I always think," he used to say, "of that magnificent sentence of Bacon,—'In this world God only, and the angels, may be spectators.'" Politics was *not* in his conception, as it is in that of nearly all our leading statesmen, a game to be played with more or less of skill, more or less of consistency, more or less of reward from popular plaudits, or the substantial emoluments of office; but a science, on the thorough knowledge and right appreciation of which hang the progress, the welfare, and the dignity of nations; an arena in which right and wrong, truth and error, become terms of awful significance: in which the sound and the unsound in theory become fraught with consequences, both to mighty nations and to immortal men, so vast—so wide spreading—so far reaching—as to invest the smallest action or recorded opinion of the statesman, with a solemn—almost a terrible—responsibility. The frivolous, the timid, the insincere, he could not away with. For those who were too thoughtless and empty to hold serious opinions—too lazy to form them—

* "Cobbett was an anti-advance man to the back bone; he is sometimes jacobin, sometimes conservative, but never liberal."—I, 366.

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too wanting in moral courage to maintain them with earnest and resolute tenacity, he felt as much scorn as Christian principle would permit or justify. In times like ours, a man so *real* could ill be spared. There is, unquestionably, more of earnestness and sincerity among our public men now than formerly; but the supply of these sterling qualities is still lamentably insufficient for the requirements of the day. The motives and principles by which politicians are guided, are not generally such as they can avow or justify; nay, what is worse, the motives and principles which they put forward to the world, are not even those which they avow in their private coteries; and if a minister were to justify his conduct to his intimate circle on the same maxims of pure and lofty patriotism by which he defends it in Parliament, he would most probably be reminded that "the reporters were shut out, and there was no occasion to humbug." This unsound and unhealthy tone of public morality carries with it a species of contagious virus which stains the honour of the State, and poisons the very fountains of political philosophy. Against this Dr Arnold exclaimed* with characteristic energy; and had he lived to shed credit over Oxford, and infuse a manlier and more honourable spirit among the rising generation of statesmen, he might have done much to arrest and antagonize the mischief. But since he has been called away, we know not where to turn for a Teacher fitted to "take his stand," like the Prophet, "between the Living and the Dead," and stay the progress of the moral plague.

W. R. G.

ART. IV.—*Poems.* By Elizabeth Barrett Barrett. 2 vols. Moxon.

A POEM should tell its own story, without need of preface; but if ever there were excuse for a formal explanation of the motive, plan, and intention of an author, it is in the instance of Miss Barrett's introductory remarks to her 'Drama of Exile.' From the internal evidence in her books—at all times of more value than outward report—Miss Barrett is herself an exile;—one secluded from society by long-continued ill health. This,

* "He would speak of a ministry advocating even good measures inconsistently with their position and principles, as a daily painfulness, a moral east wind, which made him feel uncomfortable without any particular ailment."—I, 180.

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while an excuse for some garrulity of pen, also accounts for faults which, under different circumstances, might have substantiated against her a charge of pedantry; her style, not unfrequently, wanting the ease of colloquial expression. Books her only companions, she has been led to adopt their language, and hence many of the terms she has employed, more erudite than familiar, may seem to some critics the result of affectation, while they have weakened instead of assisting the development of real power.

The most sensible part of Miss Barrett's preface is its conclusion, in which she touches upon her own poetical experiences.

"Poetry has been as serious a thing to me as life itself. I never mistook pleasure for the final cause of poetry; nor leisure for the hour of the poet. I have done my work, so far, as work,—not as mere hand or head work, apart from the personal being,—but as the completest expression of that being to which I could attain; and as work I offer it to the public, feeling its shortcomings more deeply than any of my readers, because measured from the height of my aspiration,—but feeling also that the reverence and sincerity with which the work was done should give it some protection with the reverent and sincere."

Perhaps even these few words need not have been written. There is the stamp of *being* as well as of *saying* in all Miss Barrett's poems; we esteem her for herself, and thank her for her works; the impassioned religious woman, and the productions of true genius.

In introducing both to the reader, it is not, however, to the 'Drama of Exile' we should appeal in confirmation of our judgment. Miss Barrett must forgive us for saying that we rank the 'Drama of Exile' among the least successful of her efforts. Although the poem for which she has professed the most partiality, we think it will scarcely gain the acceptation in any quarter for which her preface eloquently but humbly pleads. While fullest of her peculiar faults, it has the fewest of her surpassing beauties. She writes with sincerity, and as sincerely as she writes do we believe that in no one reader will it produce the impression she desires;—less as she tells us for her own fame than for their spiritual progress. We regret the misadventure of so excellent an intent,—but the public are too much indebted to the rich bounteousness of her genius in other poems to justify a single reproach for incompleteness or failure.

In the extracts we are about to give as specimens of her works, we shall not pause to comment upon defects the result of rapidity of composition, rather than deficiency of taste, in deference to readers who prefer detecting small faults to enjoying great beauties; readers whose requirements of verbal exactness are a

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chevaux-de-frise against a poetical thought gaining entrance beyond the bottom of the ear, when there to be turned back, though "every inch a king," for want of better clothing. No doubt good rhymes are better than bad ones, and obsolete or antiquated words come less happily for the sense, than those of younger usage. But we would not compromise one poetical idea for the time given to improve diction.

Philanthropy with the power of individualizing passion—freedom of fancy—intensity of affection—qualities too rare ever met singly, rarer still to be met with united in the same person, appear united in Miss Barrett, and it is a pleasant task to paint her portrait from the impression made upon us by her writings. Take the following stanzas as some evidence of the characteristics we have described, from the 'Cry of the Children:'—

"Do ye hear the children weeping, O my brothers,
Ere the sorrow comes with years?
They are leaning their young heads against their mothers,
And *that* cannot stop their tears.
The young lambs are bleating in the meadows;
The young birds are chirping in the nest;
The young fawns are playing with the shadows;
The young flowers are blowing toward the west;
But the young, young children, O my brothers,
They are weeping bitterly!
They are weeping in the playtime of the others,
In the country of the free.

For oh, say the children, we are weary,
And we cannot run or leap,
If we cared for any meadows, it were merely
To drop down in them and sleep.
Our knees tremble sorely in the stooping—
We fall upon our faces trying to go;
And, underneath our heavy eyelids drooping,
The reddest flower would look as pale as snow.
For, all day, we drag our burden tiring,
Through the coal-dark, underground—
Or, all day, we drive the wheels of iron
In the factories, round and round.

For, all day, the wheels are droning, turning,—
Their wind comes in our faces,—
Till our hearts turn,—our heads, with pulses burning,
And the walls turn in their places—
Turns the sky in the high window blank and reeling—
Turns the long light that droppeth down the wall—
Turn the black flies that crawl along the ceiling—
All are turning, all the day, and we with all!—

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And, all day, the iron wheels are droning;
And sometimes we could pray,
'O ye wheels' (breaking out in a mad moaning),
'Stop! be silent for to-day!'

Ay! be silent! let them hear each other breathing
For a moment, mouth to mouth—
Let them touch each other's hands, in a fresh wreathing
Of their tender human youth!
Let them feel that this cold metallic motion
Is not all the life God fashions or reveals—
Let them prove their inward souls against the notion
That they live in you, or under you, O wheels!
Still, all day, the iron weels go onward,
As if Fate in each were stark;
And the children's souls, which God is calling sunward,
Spin on blindly in the dark."

The sympathy of a philanthropist, in its most powerful forms of expression. The 'Cry of the Children' is a cry with them and for them. We know of nothing in the English language, of the same kind precisely equal to it, unless it be Hood's 'Song of the Shirt,' which is somewhat too monotonous in its wail; or an essay of Charles Lamb upon the homes of the poor. We fear only lest such vivid imagery as the above should give a one-sided direction to the public interest in the welfare of the rising generation, which may aggravate rather than diminish the evils sought to be removed. The legislature has put a stop to the employment of very young children in coal mines, and restricted the hours of labour for children in factories. In many of the latter, where the labour is light and the children work by relays, with proper intervals for rest and recreation, we might try in vain to realize Miss Barrett's picture, but it does not yet appear to be understood that misery is to be sought less among the occupations of industry, however repulsive their form, than in the abodes of destitution. The children, shut up in the wretched cellars and garrets of a London alley, under fed, thinly clad, and left in dark rooms without fire in winter, from the poverty of their parents, are, although not factory children, more entitled to commiseration than any class that has yet occupied public attention.

But yet humbler objects of sympathy may share a poet's regard. We turn to a subject in a less serious vein:—

FLUSH, MY DOG.

"Yet, my pretty sportive friend,
Little is't to such an end

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That I should praise thy rareness!
Other dogs may be thy peers
Haply in these drooping ears,
And in this glossy fairness.

But of *thee* it shall be said,
This dog watched beside a bed
Day and night unweary,—
Watched within a curtained room,
Where no sunbeam brake the gloom
Round the sick and dreary.

Roses, gathered for a vase
In that chamber, died apace,
Beam and breeze resigning—
This dog only waited on,
Knowing that when light is gone
Love remains for shining.

Other dogs in thymy dew
Tracked the hares and followed through
Sunny moor or meadow—
This dog only crept and crept
Next a languid cheek that slept,
Sharing in the shadow.

Other dogs of loyal cheer
Bounded at the whistle clear,
Up the woodside hieing—
This dog only watched in reach
Of a faintly-uttered speech,
Or a louder sighing.

And if one or two quick tears
Dropt upon his glossy ears,
Or a sigh came double—
Up he sprang in eager haste,
Fawning, fondling, breathing fast,
In a tender trouble.

And this dog was satisfied,
If a pale thin hand would glide,
Down his dewlaps sloping—
Which he pushed his nose within,
After,—platforming his chin
On the palm left open.

This dog, if a friendly voice
Call him now to blither choice

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Than such chamber keeping,
'Come out!' praying from the door,
Presseth backward as before,
Up against me leaping.

Therefore to this dog will I,
Tenderly, not scornfully,
Render praise and favour!
With my hand upon his head,
Is my benediction said,
Therefore and for ever."

Miss Barrett may share the honours with Landseer. Every verse in the above is a study for the painter.

For the power of individualizing passion, we might quote the 'Rhyme of the Duchess May,' 'Catarina to Camoens,' 'Bertha in the Lane,' and many others. The first of these, as a ballad and for merit of various kinds, may rank with the highest of the class. It has all the rapidity of action of 'Leonore,' the descriptive power of Scott and Campbell, united with the deep pathos of the earlier Scottish ballads, and by the nicest dexterity in construction, or rather the innate prompting of a heart that beats time to truth and beauty,—the catastrophe is brought about without involving the least possible reproach to those who fearfully precipitate an inevitable fate. The burden, 'Toll slowly,' quaint as it may appear, is essential as a relief to the intensity of the action. The story is of two lovers and their marriage and flight; the husband stormed in his castle by a rival with an outnumbering host. After a vain resistance the horse that had borne the pair safe from the former pursuit is led up the turret stairs, and together mounted as then, the lovers leap from the battlements—to death.* It is too long to give entire, too rapid to touch; nor without being run down by hosts of stanzas all equally deserving the place of those we might select. And one can but say of this as of many others whose length prevents their being taken as extracts, that none we can give are equal to those that are of necessity kept back.

'Bertha in the Lane,' though abounding with beauties, and one of the most highly-finished of Miss Barrett's productions, yet fails in the peculiar charm of the 'Duchess May,' the absence of all repining or regret, though the catastrophe is certain

* We take this opportunity to record our admiration and gratitude for Mr Loogh's group of 'The Mourners,' exhibited in Westminster Hall, equal in power to 'The Duchess May,' though a power differently applied. His hardened clay brought tears into the eyes of some among the crowd, poor and humble in exterior, present in the Hall on the occasion of our visit.

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to be fatal. It is the old story of a transfer of affection from one sister to another. The benediction of the heart-broken dying sister falls on the one last loved with the heavy weight of a funeral pall; and Bertha's reference to "the little ring" on her finger that she wishes to be buried with her, is a cruel coincidence. —Her blessings meant for dew congeal like icicles.

We notice with pleasure in Miss Barrett the possession of moral courage. At a time when it has become a fashion to declaim against French novels with a virulence that at once puts all criticism *hors-de-combat*, Miss Barrett, in her sonnets to George Sand, shows that the pulses of one strong and warm woman's heart are unchecked by the fear of opinion.

Madame Dudevant reminds us of a strong swimmer: her ocean,—Life: her sun in the horizon, Truth. The latter she pursues with uncompromising energy, even when failing in self-sustainment she has mistaken rocks of offence for rocks of rest. But let Miss Barrett speak for her in better language than our own:—

> "Thou large-brained woman and large-hearted man,
> Self-called George Sand! whose soul amid the lions
> Of thy tumultuous senses, moans defiance,
> And answers roar for roar, as spirits can:
> I would some wild miraculous thunder ran
> Above the applauded circus, in appliance
> Of thine own nobler nature's strength and science,
> Drawing two pinions, white as wings of swan,
> From thy strong shoulders, to amaze the place
> With holier light! That thou, to woman's claim,
> And man's, might join beside the angel's grace
> Of a pure genius sanctified from blame;
> 'Till child and maiden pressed to thine embrace,
> To kiss upon thy lips a stainless fame."

We cannot resist, now we are amongst the Sonnets, two others, —'Irreparableness,' and 'Patience taught by Nature':—

> "I have been in the meadows all the day,
> And gathered there the nosegay that you see;
> Singing within myself, as bird or bee,
> When such do field-work on a morn of May:
> But now I look upon my flowers,—decay
> Hath met them in my hands, more fatally,
> Because more warmly clasped; and sobs are free
> To come instead of songs. What do you say,
> Sweet counsellors, dear friends? that I should go
> Back straightway to the fields, and gather more?

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Another, sooth, may do it,—but not I!
My heart is very tired,—my strength is low—
My hands are full of blossoms plucked before,
Held dead within them till myself shall die."

PATIENCE TAUGHT BY NATURE.

"O dreary life!" we cry, "O dreary life!"
And still the generations of the birds
Sing through our sighing, and the flocks and herds
Serenely live, while we are keeping strife
With Heaven's true purpose in us, as a knife
Against which we may struggle. Ocean girds
Unslackened the dry land: savannah swards
Unweary sweep: hills watch, unworn; and rife
Meek leaves drop yearly from the forest trees,
To show, above, the unwasted stars that pass
In their old glory. O, thou God of old!
Grant me some smaller grace than comes to *these*;
But so much patience, as a blade of grass
Grows by, contented through the heat and cold."

Miss Barrett's moral and political tendencies may be gathered from the 'Cry of the Human,' which bears upon two of the leading topics of the day—War and Monopoly:—

"The battle hurtles on the plains,—
Earth feels new scythes upon her:
We reap our brothers for the wains,
And call the harvest, . . honor,—
Draw face to face, front line to line,
One image all inherit,—
Then kill, curse on, by that same sign,
Clay, clay,—and spirit, spirit.

The rich preach 'rights,' and future days,
And hear no angel scoffing,
The poor die mute,—with starving gaze
On corn-ships in the offing."

Among the various features of character depicted in these volumes, as belonging to their authoress, we find no trace of humour, that bright playfellow of genius. Some have imagined humour to be a misapplication of intellectual power,—a sort of Will-o'-the-wisp, tempting the steady traveller from his proper route—say rather that it is a portion of the heavenly flame that, like the rainless summer lightning, charms and brightens while it plays. The Creator did not endow us with risible muscles—(the one extra that anatomists detect in *man* as compared with

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monkey)—in vain. We suspect it is the absence of this capacity, this relief to the pressure of strong thought and intense emotion, that gives, occasionally, a shade of melancholy too deep, and an aspect of life too depressing, in Miss Barrett's pages. At times there is a leap of the blood current that sets all melancholy at defiance, as in the 'Rhapsody of Life's Progress,' where there are obstacles described that, in another mood, might have brought her to the earth to remain with her head pillowed weeping upon them.

We wish Pan, whom Miss Barrett puts out of life so unmercifully, had been made the protecting genius of little Ellie's treasure, in the ballad of 'Ellie and the Swan's Nest;' he would have kept the gnawing rat away. The spiritual existence of Pan—God in the natural world—was recognised by Christ, when he bade us "consider the lilies of the field," and himself chose the mountains for his sanctuary of prayer. Earth now entirely out-grows mythic fancies. Mythic of what? Of some Truth; and all Truth is eternal. And there was one brave poet, who "kept back nothing,"—not even 'Pan,'—who, in his 'Hymn to the Nativity,' incorporates the old with the new; not divorcing it as a dead corpse, but to be made instinct with a holier life by the contact. We would refer Miss Barrett to herself, in her 'Loved once,' where the continuity which we miss in 'The Dead Pan' is full to satisfaction.

"I classed, appraising once,
Earth's lamentable sounds; the well-a-day,
The jarring yea and nay,
The peal of kisses on unanswering clay,
The sobbed farewell, the welcome mournfuller;—
But all did leaven the air
With a less bitter leaven of sure despair,
Than these words—'I loved once!'

And who saith, 'I loved once?'
Not angels, whose clear eyes love, love foresee,
Love through eternity!
Who, by To Love, do apprehend To Be.
Not God, called Love, his noble crown-name,—casting
A light too broad for blasting!
*The great God changing not from everlasting,
Saith never,—'I loved once!'

* We cannot avoid remarking in the two latter lines of this stanza the fault so injurious to the favourable impression of the 'Drama of Exile,' that of suggesting the human and familiar in too close approximation with what is above both. This, unfortunately, has the tendency to render passages written with a truly reverential spirit by Miss Barrett such as to shock the pious feelings of some, and touch the sense of the ludicrous in others.

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Say never, ye loved once!
God is too near above, the grave, below,
And all our moments go
Too quickly past our souls for saying so!
The mysteries of life and death avenge
Affections light of range.
There comes no change to justify *that* change—
(Whatever comes)—Loved once!"

One other fault—but to be quickly put out of sight by the brightness that eclipses—is the addition of "more last words," in a concluding verse, as "moral" to what has gone before. This, without exception, weakens the impression instead of deepening it. 'The House of Clouds,' and 'The Lost Bower,' two of the best of Miss Barrett's productions, are instances of this; and we will again make reference to herself. In the latter poem, to the ear of the child, first penetrating its fairy mystery, comes "a sound, a sense of music, which was rather felt than heard." So is it with poetry;—it is no true poetry if it lacks the subtlety which is its most influential element, and tells its own moral.—"Came a sound, a sense of music, which was rather felt than heard." We repeat the line, to introduce the reader to the image that follows:—

"Softly, finely, it inwound me—
From the world it shut me in,—
Like a fountain falling round me,
Which with silver waters thin
Clips a little marble Naiad, sitting smilingly within."

We must not omit the closing stanzas (except the last), helping the reader so far as to explain that the story gone before is of the authoress once, as a child, finding a bower in a wood, never to find it again.

"On this couch I weakly lie on,
While I count my memories,—
Through the fingers which, still sighing,
I press closely on mine eyes,—
Clear as once beneath the sunshine, I beheld the bower arise.

Springs the linden-tree as greenly,
Stroked with light adown its rind,
And the ivy-leaves serenely
Each in either intertwined,
And the rose-trees at the doorway, they have neither grown nor pined.

From those overblown faint roses
Not a leaf appeareth shed;
And that little bud discloses

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Not a thorn's-breadth more of red,
For the winters and the snmmers which have passed me over head.

And that music overfloweth,
Sudden sweet, the sylvan eaves;
Thrush or nightingale—who knoweth?
Fay or faunees—who believes?
But my heart still trembles in me, to the trembling of the leaves.

Is the bower lost, then? Who sayeth
That the bower indeed is lost?
Hark! my spirit in it prayeth,
Through the solstice and the frost,—
And the prayer preserves it greenly to the last and uttermost."

One further quotation, and we must bid Miss Barrett farewell. We take it from the 'Vision of the Poets,' a poem filled with noble thoughts.

"By the chief poet—'God!' he cried,
'Be praised for anguish which has tried;
For beauty which has satisfied.—

For this world's presence, half within
And half without me—sound and scene—
This sense of Being and Having been.

I thank Thee that my soul hath room
For Thy grand world! Both guests may come—
Beauty, to soul—Body to tomb!

I am content to be so weak,—
Put strength into the words I speak,
And I am strong in what I seek.

I am content to be so bare
Before the archers! everywhere!
My wounds being stroked by heavenly air.*

I laid my soul before Thy feet,
That images of fair and sweet
Should walk to other men on it.

I am content to feel the step
Of each pure image! Let those keep
To mandragore, who care to sleep.

I am content to touch the brink
Of the other goblet, and I think
My bitter drink a wholesome drink.

* A pendant to the immortal 'St Sebastian,' of Guido, in the Dulwich Gallery.

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Because my portion was assigned
Wholesome and bitter,—Thou art kind,
And I am blessed to my mind.

Gifted for giving, I receive
The May-thorn, and its scent out-give!
I grieve not that I once did grieve.

In my large joy of sight and touch,
Beyond what others count for such,
I am content to suffer much.

I *know*—is all the mourner saith—
Knowledge by suffering entereth;
And Life is perfected by Death!'"

We close with the strange-sounding, but, we hope, not too selfish wish, that the time when Miss Barrett's life shall be so perfected may be long deferred.

S. F. A.

ART. V.—*The Influence of Aristocracies on the Revolutions of Nations; considered in relation to the present circumstances of the British Empire.* By James J. Macintyre. 8vo, pp. 448. London. 1843.

THE design of this work is excellent; but the author's knowledge of historical *data* is not sufficiently minute or accurate to render the execution quite what might be desired. This defect is more apparent in the first than in the latter portion of the work. In the first book, the writer treats of the influence of aristocratic power, as exemplified in the Roman, French, Spanish, and other histories. The second book is devoted to the consideration of the origin, progress, and consolidation of the British aristocratic power. From all these he deduces the conclusion that *food is power*—that the food of the people forms the basis of the British, as it did of the Roman, aristocratic power. To do full justice to such a subject as this, vast stores of knowledge, such as could only be accumulated by years of laborious study, as well as great powers of mind in the application of that knowledge, would, it will at once be seen, be requisite. That Mr Macintyre has done that ample justice to such a subject, we cannot take upon us to say, but for what he has done we hold ourselves indebted to him, and we shall therefore do what in us lies to make his labours known and appreciated.

In his treatment of the proposition that "food is power," Mr Macintyre appears to us to have fallen into the error of mis-

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taking an effect for a cause. A command over food is one of the effects of power, just as a command over water, or air, or space to breathe or move in, would be another, and quite as conclusive an effect of power. When that apt instrument of oppression and despotism, Wentworth, recommended that King Charles I should be "*sole merchant*" of salt, "*because it was of so absolute necessity as it could not possibly stay upon his Majesty's hands, but must be had, and might at all times be raised in price,** he indicated an effect of power very nearly as much to the purpose as if he had advised his Majesty to become "sole merchant" of corn. In the case of the salt, it might have been said that "salt was power." Bacon said, "knowledge is power;" and Hobbes said, "wealth is power."† These are great names; and aphorisms which are short and pithy, have in them a principle of vitality which gives them a chance of living, even without the aid of a great name: but let us examine the matter a little, and endeavour to learn what meaning there really is in them.

In the expression, "knowledge is power," knowledge is so far, at least, a cause, not an effect; but in the expressions, "wealth is power," and "food is power," there is an ambiguity—for where wealth and food are in the *secure* possession of any man, they become, indeed, most effective instruments of purchasing the services of other men. But if a stronger man than the possessor of those things come and spoil his house, they will then belong to the spoiler, with all the power they possessed of purchasing.

At p. 55 Mr Macintyre says, "In the institutions or even traditions of nations we find few relics of Roman government or polity. The Roman system was a pure military one, &c." Now, if Mr Macintyre will look through Von Savigny's 'History of the Roman Law, during the Middle Ages,' or Guizot's 'Cours d'Histoire Moderne et Essais sur l'Histoire de France,' he will find, even without going farther, abundant proofs that the Roman empire, so far from leaving only physical relics of its greatness, left penal and political remains that are not yet effaced, nor are likely to be for centuries; and which have entered largely, as compound elements, into our modern civilization. Nor is it true, as he says, that the Roman system was a purely military

* Strafford's Letters and Dispatches, vol. i; p. 193.

† Or rather, he is represented by Adam Smith (Wealth of Nations, Book I, ch. 5,) as saying so, though, in fact, he does not express the proposition in that aphoristic form, and he only (after having divided power into natural and instrumental), in enumerating various kinds of what he calls instrumental power, says—"Also riches joined with liberality is power;" because it procureth friends and servants. Leviathan, ch. x, p. 41, folio edit. London, 1651.

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one. The sword was, indeed, the foundation of their power, as it must be of all human power. Consequently, the Roman governing class were all educated soldiers—but they were also all educated jurisconsults and statesmen; which is the reason why the Roman governors of provinces displayed, in their administration, conduct so very different from the mischievous imbecility exhibited by the members of other oligarchies similarly situated. The Romans, whatever might be their errors and their vices, conquered, and, up to a higher point than any other people have yet done, civilized a large portion of the world.

As it was their military superiority that was the foundation of the Roman power, so was it their military superiority that was the foundation of the power of the Norman aristocracy. That military superiority has long passed away, and what was once performed by a compact body, enjoying a vast superiority of arms and discipline, must now be entrusted to the arms of men hired from the body of the inferior class, the people. If those men's bayonets and muskets could always be depended on as fully as the feudal barons could rely upon their own swords and lances, and chain mail, in times of old, their power might last for ever. So far it has gone with them, and with their descendants, and so far, consequently, like the Pasha of Egypt, or any other despot "thing of sabre sway," they have exercised a command over the food of their subjects—but it was not in the food, but in the sabre, that their power lay—and when the sabre passes from their grasp, so will the command of the food.

The following passage from Mr James Mills' 'Analysis of the Phenomena of the Human Mind' (vol. ii, p. 166), will show the cause of the confusion and ambiguity involved in such expressions as "Wealth is Power," or "Food is Power:"—

"A man's power means the readiness of other men to obey him. Now one man obeys another from the prospect, either of good, if he obeys, or of evil, if he does not obey. Wealth is the great means of procuring obedience, through the medium of good. All hire of services is through that medium. The power of inflicting evil, in case of disobedience, and of procuring services by fear, is what, in the more peculiar sense, is meant by the term power. It is to be observed, that the range of obedience, obtained by fear, is capable of much greater enlargement than that which is obtained by hope. The means any man has of paying for the services of others, extends, at most, to some thousands; the means which some men have had of imposing their commands on other men, through fear, has extended to many millions."

In the twelfth chapter of his first book, Mr Macintyre makes an application of what has been said in the preceding chapter to the condition of the British empire. He says—

"For three hundred and fifty years the sovereignty of these

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islands has been successively exercised by the Tudors, the Stewarts, the Oranges, and the Guelphs; and it is to be ardently hoped by every lover of his country, that the people, the Sovereign, and the aristocracy will, in their respective spheres of action, be guided by those great lessons which the history of nations, above all, which the history of their own nation, affords.

"Each and all of these parties will require to prepare themselves for great changes in the circumstances of this country, and in the balance of its interests. The country will only deceive itself, and be eventually thrown into still greater confusion, if a belief be fostered that the derangement of affairs in every department of business and finance, which has existed for several years past, is merely of a temporary nature, and that the country only waits for a revival of trade, and the opening of foreign markets, to recover its energies." P. 176.

He then warns his countrymen against trusting to this or that party—the true denominations of the two great parties into which the oligarchical body is divided being, as has long ago been observed, merely the *Ins* and the *Outs*:—

"There is another delusion, which it will be well for the people to get quit of at this critical juncture of their affairs, and that is, the delusion of party politics, and the trusting to this administration, or the other administration, as the saviour of the country. The abuse of party, and the vulgar recrimination between statesmen and public men, in and out of Parliament, are thrown out merely to divert attention from the main objects of personal interest, contemplated by the fortunate adventurer of the day; or to conceal from the public a secret understanding which may exist between the individuals who have retired from office and those who have entered into it. Such have been the disclosures made of direliction of principle by men of high rank and influence in the country, and such is the debasing effect of power on their character, that a person may believe anything of them in the present day. Among the mixed motives which sway the minds of two political men, a person may imagine that the desire to promote a relative to the bench in India, or to advance another to a diplomatic office, may stimulate the one to plot the ruin of an administration, or the other to expose his country to danger in its foreign interests.

"The indecent haste with which appointments to lucrative offices are made in favour of needy dependents of the minister, confirms this view of the moving springs of political changes. There is now an example of rapacity displayed on every change of government, sufficient to corrupt a whole people: and the shameless profligacy of one administration is unblushingly held forth by an organ of the party as a precedent for the succeeding one, as will be perceived in such remarks as the following:—'They (the Whigs) remained in place until they had multiplied precedents against themselves on

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points of prerogative, expenditure, inefficiency, and corrupt abuse of power and patronage, which must for ever shut their mouths as an opposition, whatever may be the fancied irregularities of any other government.'*

"Such is the nature of the advocacy of a corrupt system of government for an enlightened people. The description is a correct one, of the irresponsible administrations which have existed, one after the other, for the last hundred years in this country. The people have never been really represented in any of those administrations; and the two sections into which the dominant party is divided, have, in their exactions from the people, differed only in degree. These factions, that run the race of reckless expenditure, and for 'the corrupt abuse of power and patronage,' are the progeny of a system which contains, in itself, the principles that rouse a nation to reform itself —those principles of cupidity which are employed by the ruler of all society, to stimulate a nation to free itself from fiscal bondage.

"Calmly reviewing the history of nations that have passed through great revolutions, and comparing the state of their circumstances previous to the break-up of society, with the present condition of Great Britain in all its relations, the impression is forced on the mind, that a great change will inevitably take place in this country. The prospect, in one sense, is appalling, as the imagination at first throws dark colours on the picture; but as the genius of the British population is sedate, and their temperament cool, there need be little apprehension of violent outbreak or extreme measures, either personal or proprietary. But in straining the vision into futurity, the cheering reflection arises, that all the great organic changes which have taken place in this nation, have resulted in a greater degree of comfort and happiness to the mass of the people, and consequently the national power and prosperity have been increased. A revolution, in the ordinary sense of the term, is a change carried round and completed.

"Men's minds ought to be prepared and made up on this great question, and the real matter at issue ought to be clearly defined and perfectly understood. The characteristic of all the changes and revolutions in this country has been one of the practical every-day business. A matter-of-fact character is stamped on all the great events recorded in the history of the country. Order, silence, and earnestness in all public transactions, are observed wherever and whenever the objects are really worth the trouble and danger to be expended or encountered."—Pp. 177—179.

The following is his statement of the great questions at issue:—

1. The question of Taxation:—

"The questions at issue, in this country, are not matters of dispute

* Article on "The Prospects under the Peel Administration," in Blackwood's Magazine for October, 1841.

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between the people and the sovereign authority of the nation, but they are simply questions of a fiscal nature, on which the eternal principles of equity can be brought to bear, and to which arithmetical rules can be applied. The great question lies between the mass of the population and a section of it; and it is reduced to—whether, in a national emergency, the dominant class of society, possessed of the greater part of the property of the country, shall be made to contribute to the public expenses in proportion to the value of that property; or shall be allowed to continue to pay only in proportion as common citizens: thus evading their due share of the public burdens, which fall on the industry and labour of the great bulk of the people —thus compelled to pay for themselves, and also for the possessors of property, who make the laws, formed on unfair principles. If this outline of British legislation be correctly drawn—and of the truth of it, scarcely any one who has considered the subject will doubt—then it is manifest, that injustice pervades the system of our fiscal laws. But when, to the injustice of principle is added a weight of pressure unparrelleled in ancient or modern times in any country, it will be perceived, that the two great causes which have through all the world moved society from its equilibrium, exist in full strength in the British empire. These observations are not made in an inflammatory spirit, but are stated calmly, as the result of what may be called a philosophic survey of a few passages in the affairs of mankind, brought to bear on the concerns of this country."—Pp. 181, 182.

2. The question of Monopoly:—

"In addition to an amount of taxation unequalled in any country or age, made irritating by a partiality of its partition, is a system of laws restricting the supply of food in the country. The councils of government are now employed in weighing grains of wheat and grains of barley, and calculating, in shillings and pence, how much a quarter ought to pay on entering this country, or how much it ought to be charged on being conveyed across the frontiers of Canada, from the fertile soil of New York, or of Ohio, and then to be doled out to the famishing people of the British islands."—Pp. 185, 186.

In tracing the progress of the aristocratic power in this country, Mr Macintyre attributes a considerable increase of it to the personal character and circumstances of the two first Georges, and the rebellions of 1715 and 1745, the first of which led, among other things, to the extension of the duration of parliament from the term of three years, as fixed soon after the revolution, viz. in 1694, to seven years. One of the principal reasons for the alteration, as recited in the preamble of the Septennial Act (1 Geo. I, st. 2, c. 38), is that the said provision (for limiting the duration of parliaments to three years), "if it should con-"tinue, may probably, at this juncture, when a restless and

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"popish faction are designing and endeavouring to renew the "rebellion within this kingdom, and an invasion from abroad, be "destructive to the peace and security of the government." Nevertheless, this law, passed under the exigency of a temporary danger, has been in operation from that time to this—a period of 128 years. The long reign of George III succeeded, during which the aristocratic power probably reached its highest point. At the conclusion of the war, the despotism of the English aristocracy seemed to be as firmly established as that of Louis XIV, before the star of his destiny had begun to decline. By a war, the most expensive in which the country had ever been engaged, they had loaded their country with debt and ground down their fellow-countrymen with taxes, but they had enriched themselves. This war, of twenty-three years' duration, cost Great Britain about 110,000,000*l.* sterling, and added about 500,000,000*l.* to the national debt; the total amount of the public debt, at the conclusion of the war, being about 800,000,000*l.* We quote from Mr Macintyre the following statement of the proportion which the taxation (we suppose he means *direct* taxation) on property and land during that period bore to other taxation:—

"The total amount raised by loans and taxes, from the beginning of 1793 to that of 1816, was about - - - - - - - - - -	£1,560,000,000
"Deduct for the expenses of the country, supposing that it had remained at peace during that period - - - - - - - - - -	460,000,000
Expense of war - - -	£1,100,000,000

"Of this enormous amount of 1,560,000,000*l.*, only about 120,000,000*l.* was raised by taxes on land and property, leaving 1,440,000,000, or about 92 per cent. of the whole, raised from the consumption or levied on the industry of the people: say—

Consumption and industry - -	92 per cent.
Property and land - - - - -	8 „
	100 per cent."—P. 229.

One might not unreasonably have hoped that, with peace, (according to a proverbial saying, deeply embedded, as Mr Macintyre remarks, in the English language,) would have come plenty. But no—immediately on the termination of the war, and, therefore, of the prospect of the war prices, was passed the Corn-law of 1815, "the real object of which," says Mr M'Culloch, "was to keep the price of corn to 80*s.* a quarter."—'Commercial Dictionary,' p. 387.

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The pretext used for this law, viz., to make the country independent of foreign supplies in time of war, is answered by the fact that, during the twenty years' war, this country received more corn from abroad than in any previous period of equal duration:—

"In the twenty years down to 1792, the quantity of wheat imported from foreign countries was, 1,041,781 quarters; and in the twenty years of war, down to 1812, the quantity was, 10,625,472 quarters. The high prices of corn, during the war, were partly from failures of harvest, but chiefly from the depreciation of our currency, and consequent increase of money."—P. 235.

But though there was this importation during the war, prices necessarily rose to a great height in the home market before the obstacles to commercial intercourse, arising from the war, could be overcome. For instance; freight, insurance, and other charges, which have been as low as 4s. 6d. the quarter within the last few years, had been as high as 50s. the quarter from the Baltic. It was not then to make their country independent of foreigners, that the landholders passed this corn-law, but it was simply to increase their already large revenues, to enable them to add to their already excessive luxuries, that they made their countrymen, during peace, suffer some of the greatest evils and inconveniences of war, by inflicting upon them this tax, which operates like "a curse equal to the barrenness of the earth, and the inclemency of the heavens."*

Mr Macintyre, in the following passage ingeniously enough accounts for that very indifferent opinion of the Scotch character which was prevalent about the middle of the last century, and in which Dr Johnson so largely participated.

"In sketching the outlines of the system of representation, let a map of Great Britain be supposed to be open. We will take the two extremities of the island to begin with; the county of Cornwall in the south-west, and the whole of the ancient kingdom of Scotland in the north. Although neither size nor population were considered, it may be well to compare the two places mentioned; the population of 1811 is taken in both. Cornwall contained about 852,000 acres, and 216,000 population; Scotland contained about 19,700,000 acres, 1,810,000 population. But Cornwall returned to parliament forty-two members, and Scotland forty-five members. The Cornish were—from boroughs forty, and from the county two. It is not worth the trouble to inquire to whom the boroughs belonged; the men sent to parliament were not the representatives of the inhabitants of those places, but were merely the nominees of certain individuals who made a business of the system. The inha-

* Adam Smith.

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bitants of Cornwall generally are a useful and hard working class of people, engaged in digging copper and tin in the bowels of the earth. No rational person will maintain that they required forty-two men to represent their interest in the legislature, even supposing that the forty-two members had been legitimately elected. The people of Scotland have the reputation of possessing as much shrewdness as any portion of the citizens of this country, and are certainly as capable of knowing a hawk from a handsaw, as any of the six hundred and fifty-eight men, who every five or seven years assembled as the representatives of the nation. The most remarkable circumstance of the whole system was, the mockery that was made of this sagacious people through their representative system during a period of about a hundred years. They were told that the forty-five men who appeared in every parliament were their representatives; while it was an established fact, that at the beginning of the present century, that one person, a member of the government at the time, returned thirty-nine out of that number. This individual was Lord Melville; who was one of the very few public men against whom a direct responsibility was fixed, by his lordship being brought to a solemn public trial for peculation and other crimes against the Treasury. The total number of electors throughout all Scotland was only 2,340, and these were split into a number of self-elected corporations, perfectly irresponsible to the public. The town council of Edinburgh, consisting of about thirty individuals, tradesmen of that city, nominated the favourite of the minister of the day as the representative of that enlightened city. The Scotch members were proverbially mere political tools in the hands of the government, without a spirit or conscience of their own; and the English people, accustomed since the union to see men come up from the north of the most pliant disposition, mistook them for the representatives of the people; and as travelling in those days was rare, they attached to the nation a character of subserviency, which strictly belonged only to the political nominees of some men of power. Hence the origin of those libels and caricatures of the Scottish character that appeared about the middle of the last century, which even to this day are entertained by the vulgar and ill-informed. The English knew themselves, and were too well aware of the nature of their own mock representation, to be accountable for the political corruption of their legislators."—Pp. 242—244.

Mr Macintyre may well say, that no interest in this country has increased in magnitude and value, so much as the property of the legislating class of the population, since the country has attained its height of manufacturing and commercial greatness. If the landlords understood their true interests, they would do everything possible to help manufactures. To what else but the manufacturing prosperity of the country is it owing that their rents are not what they were a hundred or two hundred years ago? Let Manchester and Liverpool be what they were

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in 1643, and the landlords may look out for a return to the rents of 1643. They will not then be able to raise rents by act of parliament, and though their prosperity may be somewhat more stable than that of other classes of their countrymen, they will find that it is not so durable as the solar system. Mr Macintyre thinks that if the people of this country are subject for another twenty years to the operation of the present laws, the children of thousands now in comfortable circumstances will be beggars.

"It is a question," he says, "of self-preservation, interesting to farmers, manufacturers, merchants, shipowners, bankers, professional men, and every grade of citizens, that the system of taxation in this country be changed in its principles and details, and the ruin arrested, by those enormous legislative accumulations of property being made subject to their fair share of the burdens of public debt and taxation.

"There is a difficulty in forming a conception of the nature of the enormous power exercised by the legislative aristocratic body in the British empire. This power is so concealed under the technical forms of law, that the people cannot easily detect its operation. It is a most refined despotism, suited to the intelligence of the people subject to its influence."—P. 250.

The use which a despotism, whether it be monarchical or oligarchical, makes of its power, is of course to benefit itself at the expense of those it domineers over. The way in which it could best do this in a community like the British of the present day, is by enriching itself by monopolies, and by throwing the weight of taxation as much as possible off itself. We have shown a signal instance in the corn-laws, of the operation of the monopoly part of the governing system. Of the taxation part we shall now attempt to give the reader some idea. Mr Macintyre has the merit of being one of the very few writers who have exhibited this most important subject at all in its true light, though he falls into a few inaccuracies, which, considering the intricacy of the subject, are not to be wondered at. In quoting him, we shall guard the reader against those inaccuracies by notes at the bottom of the page.

The way in which the landed oligarchy that has governed England since the Revolution has made taxation an instrument of profit to itself, is by shifting the burden of taxation off land, and laying the bulk of it upon the most numerous and poorest classes: those which subsist almost entirely on their labour.

During the reign of William III., we quote Mr Macintyre:—

"More than a fourth* of the public revenue was raised from the

* The annual average of land-tax during the reign of William III was

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land-tax. At that time the whole revenue was about £4,600,000, of which the tax on land was about 1,300,000*l.**

"In the year 1842, the total amount of revenue is 52,000,000*l.*, of which the taxes on land amount to less than 1,200,000*l.*†

"Before proceeding farther, a pause must be made here to consider this statement. There is a great depth of meaning in it. Land and fixed property in a country are the objects for the protection of which a government is chiefly instituted, and on them, as the legitimate basis, the great burden of taxation rests. Among all nations, ancient and modern, such has been the case. In ancient Egypt a land-tax of twenty in the hundred was levied by the government. Moses, by the command of God, imposed a land-tax of the same amount for the maintenance of the religious, civil, and military institutions of the Jews. The ancient Romans established a tax of ten in the hundred on the produce of agriculture, and twenty in the hundred on vineyards and gardens.‡ In the British empire in India about two-thirds of the public revenue are raised from the produce of the lands. By the constitutional law of England, down to the revolution of 1688, land bore the principal burdens of the State: indeed the lands were assigned to the proprietors by the conquerors, on the express condition of bearing the expense of government either by personal service, or by substitution of payment of taxes. In the modern nations of Europe the great portion of the public expenses of government is defrayed from land-taxes. Taking the most powerful nations, we have,

	Land and Property Tax.	Other Taxes.
"In France	£23,200,000	£17,500,000
Austria	8,795,000	7,700,000
Prussia	3,990,000	3,667,000§

"But in Great Britain, the most wealthy of all European nations, we have land-taxes 1,200,000*l.*,‖ other taxes 51,000,000*l.*!

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34 per cent, that is more than a third of the whole revenue. See 2 *Sincl. Hist. Reven.* 13, *and Constitutional Right to a revision of the Land-Tax: table at the end.*

* The whole revenue was 4,332,070*l.*, of which the land-tax was 1,474,927*l.*—*Ibid.*

† The amount redeemed since 1798 ought to be added to this, since the annual payment was sold for a value equal to it, the land-tax ought therefore to be stated as 2,037,627*l.*

‡ In order to render these comparative statements of due weight, the authorities for them should be given with the most minute and scrupulous accuracy. Mr Macintyre should give the authorities for all statements which are likely to be controverted: and we must add, that even when he does give his authorities, he sometimes cites in a very loose manner; for instance (p. 57, note †) he cites the anonymous History of Rome in Lardner's Cabinet Cyclopædia, as "the Cabinet Edition of Lardner's History of Rome."

§ The authorities for all these statements should be given.

‖ See the former note on this subject.

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"Let the 27,000,000 of men, women, and children in the islands of Great Britain and Ireland, rivet their attentions on these statements, and inquire why should such inequality exist? The 51,000,000*l.* are made up of taxes on food, drinkables, and on articles of raw materials, - - - - - £39,000,000

Duties on transfer of property, *not lands*, and taxes on industry and on prudence, stamps on mercantile transactions, - - - - - - 7,000,000

Taxes on windows of houses, Post office; duties on horses, carriages, servants, and otherassessed taxes - - - - - - - - - 5,000,000

Total, £51,000,000

"The landed Aristocracy that make the laws for this great manufacturing and commercial nation, tax themselves to the amount of only about two and one-third per cent. of the national burdens; while they tear from the subsistence, or tax the industry of the people to the amount of ninety-seven and two-thirds per cent. Scarcely one person out of a hundred is aware of the real state of the case; and hence the apathy of the people. This is a question of the greatest personal interest to every individual, however humble, in the United Kingdom; and it is of vast importance to the farming, manufacturing, commercial, shipping, banking, and every other interest in the country.

"How does it happen that each and all of these interests are successively, or almost at times simultaneously in a state of depression and apparent decay? And how comes it that the landed interest, or in other words, the few hundred families that form the legislature, flourish amidst the universal distress, and year after year, and generation after generation, become richer in lands, houses, and stock, as the property of the other classes diminishes, and the labour of the poor man, by all his efforts, cannot supply him with food?"—Pp. 207—209.

The revenue of every government must be derived from some one or more of three causes—rent, profits of stock, or wages of labour. By the fundamental principles of political economy, and by the fundamental constitution of this country, the public revenue of it ought to be solely derived from rent. It appears, however, that in violation of the principles at once of sound political science and of the constitutional laws of this country, the landed oligarchy have contrived to throw the whole, except a very small fraction, of the burdens of taxation off themselves, and to lay it upon the profits of stock, and the wages of labour.

In reference to the argument that the rich legislators are not exempted from the operation of their own laws, and as consumers are subject to the same duties on their corn, sugar, and beer, as

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the poor artisans of Manchester or Paisley, or as the miserable agricultural labourer with his 7s. or 10s. a week, Mr Macintyre gives some startling and important facts and calculations, which place in strong contrast the proportion of taxation borne in this country respectively by the very poor and the very rich. The amount taken from the labouring man will appear from the following case laid before parliament on the 18th of February, 1842.

"The sufferer was named William Gladstone, a labourer, who earned eleven shillings a week; out of which he used one ounce of tea, two ounces of coffee, eight ounces of sugar, eight ounces of meat, eight pounds of flour, seven pints of ale, and one quarter of a pint of brandy. The cost of these articles free from excise and custom duties was - - - - £0 2 4¾

Excise and custom taxes . - 0 5 2¼

£0 7 7

So that this hard toiling man, at the rate of eleven shillings a week, had to pay out of it in taxes on his necessary food, about 50 per cent. of his wages."—P. 366.

"The class of William Gladstones pay, in direct and indirect taxation on their subsistence, 13*l.* out of yearly wages to the amount of about 28*l.*"—P. 374.

It has been computed that a labourer with his family spends on food alone about seven-tenths of his annual wages. As the amount of income increases, the proportion paid for food becomes less. Thus a family with an income of 250*l.* a year, spend in provisions about 105*l.*, a good deal less than a half; a family with 500*l.*, spend in provisions about 165*l.*, being about a third of the amount.* Hence it will appear in what way a system of taxation levied on provisions, will fall so much more heavily on the poor than the rich. The labourer with his 28*l.* a year represents a very large class. The following case will serve as an example of a class, also a very numerous one, about half-way between the very poor and the very rich.

"A family with a weekly expenditure of £5 3 0

has to pay in Government taxes - 11s. 11d.

Landlord's taxes - - - 24s. 2d.

West India Planters' taxes - - 3s. 0d. 1 19 1

£3 3 11

"From this statement it appears that a family with about £250 a year, contributes about 25 per cent. of it to augment the property of the legislating land-owners and their colleagues, the proprietors of lands in Jamaica and Demerara."—P. 365.

* Macintyre, p. 364, cites Lowe's 'State of England,' 1822, p. 227.

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Now compare with the above the burdens of a fiscal nature that fall upon a landholder in possession of an income of 100,000*l.* a year.

The total amount of the land-tax is £2,037,627,* being equal to 4 per cent. on the gross amount of the taxes raised yearly, and 2¾ per cent. on the gross rental of lands estimated at 75,000,000*l* The income of 100,000*l.* will then pay annually for land-tax 2,716*l.* 17s. 11d.

For the other taxes he says (we quote Mr Macintyre, who underrates his land-tax by taking the total amount of land-tax at 1,200,000*l.*, instead of 2,037,627*l.*)

"With respect to taxes on consumption, these can only be ascertained by a rough process of approximation. Of course, a man with 100,000*l.* a year, does not eat and drink in proportion to his annual income, for at this rate he would consume about three thousand four hundred times more than William Gladstone. But suppose that we give a consumption of tea, coffee, sugar, meat, flour, ale, and brandy, to the extent of fifty times the quantity used in the family of the working man, we shall have 650*l.* paid to the customs and excise as taxes on the three first and two last named articles, and to his own pocket for the indirect taxes on meat and flour, say, - - - - - - - - - - £650

To which may be added the amount of duties on wine, foreign brandies, fruits, and all other articles, say - 450

Total on consumption, £1,000

"We now come to taxes purely aristocratical, and under this head we will assign a liberal and even princely establishment. From the tables of taxes we take the maximum number of horses:

Twenty horses at 3*l.* 6s. 0d. a year - -					£66	0 0
Fifty servants of all ranks and degrees, £3 16s. 6d.					191	5 0
					£257	5 0
Four carriages - -	£7	10	0	-	30	0 0
Twenty dogs of all degrees	0	14	0	-	14	0 0
Armorial bearings -	2	8	0	-	2	8 0
Game duty - -	3	13	6	-	3	13 6
Hair powder for four footmen	1	3	6	.	4	14 0
The window duties are levied on other classes, but the taxes on a house with 180 windows are - - - - - - - - - -					46	11 3
Total assessed taxes -					£358	11 9"†

* This includes the amount redeemed since 1798, as the annual payment was sold for a value equal to it.

† Pp. 375—377.

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Summing up the burdens, then, of the possessor of 100,000*l.* a year, we have:—

Land tax . . .	£2,716	17	11
Taxes on consumption . .	1,000	0	0
Direct taxes on articles of luxury	358	11	8
	£4,075	9	8

Which is equal to 4*l.* 1s. 6d. per cent., exhibiting a considerable contrast with the 50 per cent. of the poor man. The very poor man, indeed, does not pay the income tax, which amounts to 2,916*l.* 13s. 4d.: when added to the above sum of 4,075*l.* 9s. 0d. makes a total of 6,992*l.* 2s. 0d. But there is another view to be taken of this question—another element to be introduced into this induction.

"It has been demonstrated beyond a doubt, and is even admitted by members of the aristocratic party, that the laws charging a heavy duty on foreign corn are maintained to keep up the rents of land, by compelling the consumers to pay high prices for their bread.* It is also demonstrated, as accurately as calculations of this kind can be made, that the direct effect of those laws is, to add artificially to the prices of necessary food consumed in the United Kingdom, the amount of 20,000,000*l.* a year; but when augmented with profits of intermediate dealers, interest of money, and other charges, the increase is about 50,000,000*l.* to the consumers.

"But we will take the lower sum of 20,000,000*l.* as the advantage which accrues to the landowners.

"The number of cultivated acres in the British Islands is 46,522,000*l*, so that the corn laws have the effect of raising the average rent of land just 8s. 8d. an acre. The farmers, or what is called the agricultural interest, have really nothing to do with the question, for, when the corn-laws are abrogated, they will just get their farms at 8s. 8d. an acre cheaper than they now rent them. The farmers are as directly interested in the abolition of the corn laws as the manufacturers.

"The gross rental of the lands is estimated at 75,000,000*l.*,† including the bonus derived from the operation of the corn laws. This bonus is estimated at 20,000,000*l.*, equal in round numbers to about 25 per cent. of the rental, leaving net 55,000,000*l.*‡

"Now, bring this to bear upon the income of the landowner of 100,000*l.* a year, and we get his proportion of the gain at 25,000*l.* a year. His net rental ought to be only 75,000*l.*"—Pp. 377—379.

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* Lord Stanley, in one of his election speeches, admitted this.

† See Mr Macqueen's statements.

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We are now in a situation to be able to bring to a statement the amount of taxation borne by this opulent landholder:—

He gains by corn laws . .	£25,000	0	0
He pays taxes . . .	6,992	2	0
Net annual gain . .	£18,007	18	0

It is evident that the very large class to which William Gladstone belongs will not rent a house of 10*l.* yearly value, and will consequently have no vote for a member of parliament. The common argument made use of against giving a vote for a member of parliament to such persons is, that they would make a bad use of it. The value of this argument will be understood by those who see what sort of a use those who have a vote at present make of it—we see in what way they apply their vote to tax their poorer fellow-citizens. Besides, it rests now upon evidence of a tolerably unequivocal character, that a large proportion of the present voters for members of parliament give their votes from considerations totally independent not only of the fitness or unfitness for legislation of the person to whom they give it, but of their own notions of such fitness or unfitness. If those persons were capable of taking a wide instead of a narrow view of their own interests even, independently of the honest discharge of the trust confided to them, we might tell them, that by taking 10*l.* or even double or triple that amount for each vote, they are losers in the long run. We have shown that men, poorer than they, pay more than 10*l.* a year in taxes, which under an equitable system of legislation they would not pay. Let these voters try to calculate how much they ought to have for their vote at each election in order barely to cover the loss which they sustain by the system of taxation which their elected supports by his vote in parliament.

A. B.

ART. VI.—1. *Travels in Southern Abyssinia.* By C. J. Johnston. J. Madden and Co

2. *Travels in Kordofan.* By Ignatius Pallme. J. Madden and Co.

THE public occasionally hear through the newspapers of a British settlement at Aden, a port of the Red Sea on the south-western coast of Arabia. We hold it chiefly as a station for coals, but by what right of conquest or purchase has never been clearly explained. It is understood that an arrangement

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was effected with the ruling Sheik, who, the Arabs say, had as little legal power of alienating to foreigners his native soil as the Duke of Wellington would have, as Warden of the Cinque Ports, of selling Dover Castle to the French. Our right to remain is therefore contested, and numerous sanguinary conflicts, have been the result; but possession is nine points of the law, and the law is the perfection of reason; a fact quite obvious in the case of the law of the stronger.

Aden we have, and Aden we mean to keep; but its military occupation being expensive, why not try to turn it to some account as a commercial port and entrepôt for the whole of the north-eastern coast of Africa? We suspect this was part of the original object, and setting aside our unwarrantable assumption of Arabian sovereignty (about which let us ask no further questions for conscience' sake), we are very far from blaming the late government for availing themselves of the presumed advantages of their position, and seeking a new opening for British commerce on the opposite coast of Africa. The Church Missionary Society had early turned their attention to the same field, and the wisdom of doing so was obvious, for not only are the Abyssinians, for the most part, Christians already, or a people calling themselves such, but throughout an extensive tract of country we have a high table-land, far above the fever level, and a climate, in the cultivated parts, as well adapted to the constitution of Europeans as the chalk hills of Kent. We have conversed with an African traveller who, after spending three years in Abyssinia, returned a younger man, physically speaking, than when he left England. Mr Johnston was less fortunate, having brought with him from Bombay the seeds of intermittent fever; but there can be no doubt of the comparative healthfulness of this elevated plateau; and that if Africa is to be christianized, or European civilization introduced into the interior, we should abandon all thoughts of penetrating by rivers running through deadly swamps or pestilential plains, and seek at once the most accessible mountain ranges. Following this rule, there does not appear any reason for doubting that Englishmen may yet find habitable homes in Africa under the line; for the most southern portion of Abyssinia is but 10 degrees north.

We think, therefore, the British government intended well by their embassy to Shoa, and deserve credit for that intention, but we are equally satisfied that the step was taken without due consideration, and that the whole proceeding was an error. Embassies may have their uses between civilized nations, mutually respecting each other; but an embassy from a great European power to the king of an African tribe, for the purpose of con-

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cluding a commercial treaty—a thing never before heard or dreamt of by African potentates—can only be viewed as a ludicrous mistake. We can imagine the bewilderment of Sáhela Selassie with a sheet of parchment before him, the signing of which was to be harbingers of unknown blessings; and more than this, we can imagine the very natural suspicion that would be awakened in his mind, by the anxiety exhibited about this sheet of parchment—the rich presents brought to him by strangers, apparently without any hope of receiving a reasonable *quid pro quo*—and the unaccountable length of their visit. How ready would such a mind be to adopt the friendly warning of a French agent, or of his own courtiers. "These English have come to spy out the nakedness of the land; they aim at conquest, as at Aden, and the treaty is a trap to facilitate that object."

The failure of such a Quixotic expedition was therefore inevitable, even had it not been entrusted to Major Harris,—an unfortunate appointment; but the result would appear to be worse than failure, for the distrust excited has, we are told, caused a country to be closed against us, which agents of missionary and geographical societies had always found open, and which was quite as free for commercial enterprise as any country can well be without custom-house barriers, but surrounded with more formidable barriers than prohibitive duties, in the shape of rude tribes of toll-gatherers, and desert tracts impassable, in their present state, for heavy merchandise.

In our former strictures on Major Harris's work, we were glad to avail ourselves of a pen guided by a better knowledge of the subject than books. The writer had visited Shoa, and knew the people attempted to be described in the 'Highlands of Æthiopia.' Major Harris has published a reply to those strictures as a preface to a second edition, chiefly relating to his Arabic and Amharic scholarship; upon which we shall not offer a word of comment. Not from one source alone, but from many quarters entitled to respect, have we received confirmation of our own judgment in the case, upon all material points, and we now find it supported by the narrative of *another* traveller, not connected with the embassy.

Mr Johnston, in 1840, held the appointment of surgeon, on board the armed iron government steamer, the 'Phlegethon,' bound for Calcutta. Before leaving England he proposed to the Geographical Society to return by way of Africa, landing on the coast opposite Aden, and crossing the continent by any practicable route he might discover. The proposition was favourably received, and subsequently obtained the patronage of the Indian government.

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Mr Johnston left Aden in the spring of 1842, more than a twelvemonth after the embassy, the route of which he followed, keeping somewhat to the East; his first object being to reach Shoa, deliver despatches to Major Harris, and his own letters of introduction, and obtain such assistance for the further prosecution of his journey as it was natural to presume the embassy would enable him to procure.

Mr Johnston travelled alone, with only a small native escort, which, by continual accessions on the road, gradually grew into a caravan, not sufficiently numerous, however, for resistance to any really serious attack, and his account of the journey strengthens an opinion we had long since formed, that the real dangers of an African traveller arise rather from a want of correct information respecting the political state and customs of the tribes through which he must pass, than any obstacles naturally insurmountable. His first difficulty is with turnpike trustees; these must be conciliated by suitable offerings in Africa as in England, however bad may be the roads; and sometimes there are rival trusts, both claiming an equal right of toll. But the most serious difficulty is that of avoiding dangerous protection. Better travel without an escort than get mixed up with the deadly feuds of petty tribes. In passing through the country of the Mudita tribe, the slave of one of the camel owners was assassinated during the night; this was in revenge for the recent murder of one of their tribes at Tajourah. The embassy lost three soldiers by assassination on the same spot, and doubtless from a similar cause. There is no evidence to show that the Mudita tribe are more prone to murder than North American Indians, or New Zealanders, but "blood for blood" is the fearful common law of the uncivilized world.

Property is much more safe than would at first be supposed. The disposition to plunder seems confined to the tribes on the coast. At a place called Errur, near Hiero Murroo, Mr Johnston found seventeen boxes of stores that, for want of camels, had been abandoned by the embassy, to the custody of the Dangalli; yet the contents of the boxes had not been disturbed.

Mr Johnston undertook the trouble and expense of bringing these boxes on with him to Abyssinia, and succeeded in restoring them to the embassy, but would doubtless have spared his labour, had he foreseen that his zeal would only be rewarded as officiousness.

On crossing the river Hawash, the eastern frontier line of Abyssinia, he hears alarming rumours of the state of affairs at Ankobar, the capital of Shoa. He learns that the members of the embassy are in disgrace with Sáhela Selassie, probably in prison;

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and, as a strong confirmation of the truth of these reports, he is himself detained at Farree, sentinels placed over him, and his letters intercepted by authority. His first disposition is to escape back to the coast, and report at Aden the imprisonment of his countrymen, but the actual danger of their position had been exaggerated. His letters at length reached Major Harris, and Mr R. Scott, the surveying draughtsman attached to the mission, comes out to conduct Mr Johnston to head-quarters.

"An answer had been sent to me by Captain Harris the day before by the messenger now in prison, confined by the Wallasmah for having brought a letter for me, after the king had issued orders that all correspondence between the English already in the country and those arriving should be prevented. Mr Scott was not at all surprised when I informed him of the circumstance, though I certainly considered such a proceeding to be very much at variance with the conditions and stipulations I was given to understand were contained in the commercial treaty. I could not help remarking this, and Mr Scott then candidly admitted the king did not know the character or purport of the paper he had signed; and had only been made aware of the new responsibilities he had incurred, by a sharply worded expostulatory letter, written by Mr Krapf, in accordance to the dictation of Captain Harris, on an occasion subsequently to the signing of the treaty, when despatches and letters coming up from the coast were intercepted and detained for some time by the orders of the king. Singularly enough, this information was corroborated by Ohmed Medina, who told me that my letter from Dinnomalee had not been carried to Captain Harris, but to the king, who wanted to find out whether the English were his friends or not, and was trying my disposition and that of the commander (Captain Harris) by this harsh treatment of me; a kind of experiment, in fact, to see what would be borne by us, and how far he had limited his authority by attaching his signature to the treaty. Any idea of granting public benefit at the expense of his prerogative was never entertained for a moment, the intentions of the king being limited to showing personal favour alone, which he is ever ready to concede even now to English travellers, much as he complains of the conduct of the Mission in Shoa as regards their political misdoings; more especially of the great insult offered to him by the unfortunate letter before alluded to, and which was worded so unguardedly, that the king, on receiving it, might well, considering his great regard for Mr Krapf previously, turn to him and say, in a tone that implied more of sorrow than of anger, 'Did you write that, my father?'"

A new difficulty now arises, for, under the pretext that Mr R. Scott had left Ankobar without permission, he, also, is detained at Farree; sentinels are placed over both travellers, and the unfortunate messenger who had been detected bringing a letter to Mr Johnston was not only imprisoned, but nearly starved to death

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during his confinement by a diet of the very worst kind of bread and water.

"I felt very sorry for him when he came staggering out of prison, with blood-shot eyes and squalid look; and it was with feelings of pity rather than of contempt that I witnessed the broken-spirited man, with shoulders bare, and with the most abject submission, stoop and kiss the earth at the feet of his unjust and tyrannical oppressor. The Wallasmah, with the penetrating glance of suspicious cunning, read in my countenance the detestation I felt at such unwarrantable conduct on his part, and muttered in excuse, something about the man having been 'one of Krapf's servants,' as if he considered that quite a sufficient pretext for the harshest treatment."

They are at length permitted to proceed and reach the court of Sáhela Selassie. Here a further indignity is offered, for the boxes brought by Mr Johnston were ordered by the suspicious monarch to be brought before him, and burst open in his presence. Subsequently Mr Johnston discovers that, although nominally at liberty, he and the officers of the mission are really under a system of rigid surveillance; the servants placed about them spies; every movement watched, and instantly reported to the government. Summing up the whole, he says, "The total failure of the mission attests the want of tact, and of all knowledge of human nature, by the parties employed by a liberal and too indulgent government."

The embassy to Shoa might have failed from a thousand causes, not necessarily involving blame to Major Harris, although Mr Johnston attributes "the great moral injury the cause of English influence and African civilization has sustained to the incapability of one man, and the ill-judged proceedings which characterized his ambassadorial career." But if it be true that the treaty was worthless, and that the embassy only succeeded in inspiring distrust where none had formerly existed, a deception has been attempted; and for any loss of life or property that may arise from a misplaced confidence in the representations made in the 'Highlands of Æthiopia,' and since repeated, of improved relations with Shoa, Major Harris will be accountable to his country. In the preface to his second edition, Major Harris denies the failure of the embassy, and adds that,—

"It does not follow that the mission has been a failure because some Cairo gossip chooses to say so, or because all the fruits of it have not yet been reaped. A treaty has been concluded, friendly relations have been established, and upon this basis commerce will proceed, slowly perhaps, but surely, to erect its structure."

Mr Johnston we do not know personally, neither are we acquainted with Major Harris. We will give no opinion upon the

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veracity of either gentleman, but we place the statements of both before the reader. He will be assisted in drawing a correct conclusion upon the facts by the following account of a conversation (carrying with it internal evidence in its favour) between Mr Johnston and Tinta, the governor of Aliu Amba.

"I soon perceived that the real object of these visits was to learn the motive that had induced so many Europeans to visit Shoa of late. About this time, it must be observed, information had arrived of the approach of M. Rochet de Hericourt bearing presents from the king of France to Sahale Selassee. I scarcely knew how to answer Tinta, except by complimenting him upon the able character of the Negoos, of which we had heard in our country, and induced us to desire a more intimate acquaintance with a monarch of whom report speaks so highly. This not appearing satisfactory, cupidity, the national vice of Abyssinia, I thought might be excited favourably for the explanation desired; so I entered largely upon the great commercial benefits that would accrue to the Shoans by a communication being kept up between their country and the sea-coast. The very supposition of a road being opened for this purpose seemed, however, to astound Tinta, who, with a deal of sincerity in his manner, begged of me, if I wished to remain on good terms with the Negoos, not to mention such a thing; for 'how would Sahale Selassee,' he asked, 'be able to preserve his people, if they could escape to countries so rich as yours.' To remove the Adal and Galla tribes, Tinta considered would be to break down the 'hatta,' or fence, that alone secured the Shoans at home, for they dare not leave their country under present circumstances, except with the greatest danger to their lives.

"This subject-preserving principle appears to be the most important one in the home policy of the government of Sahale Selassee. It also appears to have been the foundation of many ancient systems of social communities, and the representatives of which, preserved in their original purity, have yet to be discovered in the unknown oases that stud with desert-surrounded islands intertropical Africa."

Mr Johnston explains the origin of the story of the 'Man-eater' in the 'Highlands of Æthiopia,' and satisfactorily, to us at least, shows the imputed cannibalism to have been utterly devoid of rational foundation. He further meets with a contradiction of two statements made by Major Harris,—that the Moslem servants of the embassy voluntarily abandoned it in Shoa, "rather than prolong a hateful sojourn in Abyssinia," and that "half the number were murdered on their way down." Mr Johnston gives the names of the eight persons alluded to, and states that they did not leave the embassy, but were dismissed from it in consequence of insisting upon the payment of arrears of wages, which Major Harris proposed

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to settle only upon his return to Aden. That five of the number did not leave Shoa, but remained at Aliu Amba, some of them taking wives, and that of the three who attempted to reach the coast one of them only, an Indian boy, was slain.* That under any circumstances a body of helpless foreigners should be thus discharged, in the heart of Africa, certainly seems an act of cruelty, which (if the fact be so) it would be difficult, under any circumstances of provocation, to justify. Mr Johnston adds—

"The unfortunate servants appealed to the Negoos for redress, who condescended (but without avail) to intercede for their return to the mission. This affront to the royal dignity was never forgotten, whilst a very injurious prejudice was raised by the conduct that was pursued by our representative with reference to the non-performance of the engagements entered into with these men. This being followed shortly afterwards by the infliction of corporeal punishment upon a soldier for a breach of martial law, when no other kind of discipline was even pretended to be kept up, astonished the Abyssinians not a little, and gave the finishing blow to all popular respect for English civilization, or wishes for any connexion whatever with our country."

It remains only to be seen how the public services of Mr Johnston were rewarded, who, from Lord Auckland's patronage of that gentleman, would really appear to have been regarded by Major Harris as a rival ambassador, or at best as a rival author. Mr Johnston had found it necessary, *en route*, to secure the safety of the government stores, by having an additional escort, to be paid upon their arrival in Shoa. He had, it is true, no authority to do this in the name of the mission, but it was natural to conclude that no difficulty would be made about a trifling sum. When called upon in Aliu Amba to redeem his engagement, he immediately applies for that purpose to the embassy—

"Walderheros walked by my side, and by nine o'clock we arrived at the residency where a little flag, displayed, telegraphed the presence of the ambassador, Captain Harris, who had come into town the night before from Angolahlah. I was compelled to solicit, as a personal favour, that which was denied as an act of justice; on the strong representation that 'these thirty dollars would be the price of my blood,' our singularly constituted ambassador reluctantly consented to advance me that sum from the treasury. Let it be observed, that not one word of approbation was bestowed upon the endeavours I had made to obtain the restoration of the boxes, &c., left by Messrs Bernatz and Scott at Hiero Murroo; and when I alluded to that circumstance, the reply I received was, 'that any other party coming up would have brought them on.' The irritation and excitement

* Vol. ii, p. 405.

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consequent upon this interview aided the predisposition to a relapse, and to that I principally attribute the long illness which, from this date, afflicted me for many months."

Here we must take leave of Mr Johnston and Major Harris, between whom and the public a very serious account remains to be settled, and one which we submit, for the honour of all the parties implicated, as well as for the interest of African civilization, ought to be made the subject of parliamentary investigation. We would not, however, close the two volumes of 'Travels in Abyssinia' without adding that the work contains, apart from these matters, which are merely incidental, a great body of interesting and apparently trustworthy information. Mr Johnston attempts no ambitious flights. He does not aim at fine writing. His style is without pretension, as becomes a sober narrator of facts desirous of promoting the objects of geographical discovery, and one sensible that the charms of truth are not enhanced by the meretricious disguises of romance.

We now turn to the neighbouring country of Kordofan, lying nearly in the same parrallel of latitude as Shoa, but somewhat more to the north, and further from the coast.

In 1837 Ignatius Pallme, a Bohemian by birth, undertook a journey to Kordofan, one of the most southern provinces of Egypt, on a commission of exploration from a mercantile establishment at Cairo, with a view to commercial objects. Pallme appears to have been eminently fitted for the undertaking. He had resided sufficiently long in Egypt to become familiar with the Arabic and colloquial dialect of the people; and former excursions towards the interior had made him well acquainted with native habits. His objects being strictly mercantile, it was not his intention originally to write, but a nineteen months' sojourn in countries but little known, enabled him to collect so much novel and varied information of a general character, that its publication became a duty, and the result is one of the most interesting books of travels in Africa we have long perused.

Unlike the high table-land of Abyssinia, Kordofan could never be inhabited by an European population. It is formed by the plains lying at the foot of the Nuba and Shillock mountains, and stretching out on the north and west into the deserts of Gondola and Dafur. The soil is sandy, but fertile; its appearance during the rainy season, when vegetation springs up from the earth as if by magic, that of the garden of Eden, but death revels in the paradise. Every spot is rendered unhealthy by the exhalations of stagnant waters; and no hut is then to be met with in which there are not several sick. In the dry season disease disappears, but the extreme heat is almost equally fatal to animal life, while

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the eye rests with melancholy upon a wide-spread scene of parched desolation.

"During the dry season, everything in nature appears desolate and dismal; the plants are burnt up; the trees lose their leaves, and appear like brooms; no bird is heard to sing; no animal delights to disport in the gladness of its existence; every living being creeps towards the forest to secrete itself, seeking shelter from the fearful heat: save that, now and then, an ostrich will be seen traversing the desert fields in flying pace, or a giraffe hastening from one oasis to another. In this season, however, frightful hurricanes occasionally arise, and fill the minds of those who have not been witness of such a phenomenon in nature before, with the utmost consternation. A powerful current of air, of suffocating heat, blows fiercely from one point of the heavens to the other, devastating everything that lies in its course. The atmosphere bears at these times generally a leaden grey appearance, and is impregnated with fine sand; the sun loses its brilliancy, and total darkness envelopes the earth, rendering it even difficult to distinguish objects at a few paces distant. The sky changes suddenly, becomes of a yellow colour, then assumes a reddish hue, and the sun appears as a blood-red disk. The wind howls, tears up everything within its reach; houses, fences, and trees by the roots, carrying them away with it; levels mounds of sand, and piles up fresh hills. In short, the devastation caused by a hurricane of this kind is beyond description. Unfortunate, indeed, is he who happens to be overtaken in the desert by one of these storms. There is no course left for him to save himself, but to throw himself with his face on the ground, in order to avoid suffocation by the pressure of the atmosphere. Respiration is totally impeded; all the fibres are tightly contracted; the chest threatens to burst for want of pure air; and a man of rather weak constitution, overtaken by one of these hurricanes in the open air, generally succumbs. But robust men, even those in full vigour of life, feel depressed in every limb for several hours after exposure to these storms, and recover but slowly, and by degrees. Animals fly and endeavour to conceal themselves; every creature, in fact, seeks a place of shelter. The camels on journeys indicate the storm before it breaks forth by an unsteadiness of gait, and by drooping their heads towards the ground.

"The rains begin in the month of June, and terminate with the month of October. Those who have not spent this season in a tropical country can form no idea of the showers which then drench the earth. The storms generally arise in the east or in the south. A small black cloud is, at first, perceived on the horizon, which increases as it approaches, spreads in a few minutes, with incredible velocity, over the whole region, and then descends. A fearful storm now rages; flash upon flash, and peal succeeding peal, the lightning illumines the whole heavens, and the thunder rolls most fearfully, as if the sky were about to open and the earth to burst; streams of

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water pour down with violence, which the soil is incapable of imbibing, and torrents are thus formed, destined, however, soon to be lost in the sands. Showers of this description generally last over one quarter of an hour, seldom for a longer period, and very rarely indeed are they repeated on the same day. They remit frequently during two, three, or even six days, and this is the most unhealthy, and even dangerous time both for strangers and natives; but it is admitted by general consent that those of white colour suffer more than the blacks."

Kordofan was originally peopled by nomadic tribes from the Nubian mountains, one of which, called Mount Kordofan, gave its name to the plains below it and most of the surrounding country. These were subjugated in 1799 by the King of Sennaar (a country bordering upon Shoa), who in turn was conquered by the Sultan of Darfour; and Meleks governed the country in the name of the Sultan of Darfour from 1784 to 1821. During this epoch the country was prosperous.

"Commerce extended in all directions; caravans brought the produce from Abyssinia, the interior of Africa, and from Egypt, into the two towns of Lobeid and Bara, whence the greater part was again transported into other countries. Abundance might be said to reign everywhere, and there was no want of any necessaries, whilst all were wealthy, and even the women of the less opulent inhabitants wore golden rings in their noses and ears, and many even golden bracelets and silver ankles round their feet. No other metal but gold or silver was to be seen in the decoration of the women, and many female slaves even wore gold about their persons. Agriculture and cattle-breeding flourished, and there were few inhabitants in the country who did not, to a certain extent, devote themselves to commerce. The whole population, in fact, lived free from care, and was wealthy; singing and dancing resounded from place to place; in short, this was the golden age of Kordofan."

An iron age was approaching. In 1821 Mahomet Ali undertook the conquest of Kordofan. A brigade of 4,500 infantry and cavalry attended with 800 Bedouins, and eight pieces of artillery were sent on the expedition. The men of Kordofan defended the freedom of their country with desperate valour; and a severe battle was fought near Lobeid, the capital; but unprovided with fire-arms, all resistance was ultimately in vain. The town was plundered and nearly wholly sacked, and the whole country surrendered, with the exception of a distant mountain tribe.

Kordofan was now annexed to Egypt, and a son-in-law of Mahomet Ali, who had headed his troops, was made governor of the province. This man speedily acquired, under the title of the Defturdar, the infamous reputation of a Nero. It is difficult to believe that a monster could exist in human shape capable of

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the acts of cruelty reported of him by former African travellers, and now confirmed; but we are told that many persons are still living whose testimony could be adduced as eye-witnesses of his deeds of horror, and themselves sufferers by his cruelty. Pallme says:

"I may, perhaps, be permitted to illustrate a few traits in the character of this ruthless tyrant by narrating some of his feats; it will then become evident that this flourishing country could but sink in a very short time, as the natural consequence of his oppressive tyranny; and that a considerable period must elapse before it will be able to recover itself but slightly.

"A soldier who had stolen a sheep from a peasant was caught in the very act. He not only refused to return the stolen goods, but even maltreated the peasant. Confiding in the equity of his cause, the latter thought he should more probably have justice done him by the governor than by any one else, and entered a complaint against the soldier. The Defturdar listened very patiently to the story; but, when the peasant had finished, the tyrant accosted him in an angry voice, with the words: 'And with these trifles you trouble me?' Then turning to his attendants he ordered the peasant to be brought before the kadi; they understood immediately that he meant by the kadi, a cannon, carried the poor wretch immediately off, and bound him to the mouth of a gun, which was instantly fired.

"His very servants, consisting not only of slaves, but of free Arabs and Turks, although they might be regarded as his executioners, stood in great awe of him, for he punished the slightest offence of which they might be guilty with every imaginable species of cruelty. Thus it happened that one of these servants was tempted to dip his finger into a dish to taste it. The Defturdar, unfortunately, observed the act. He demanded of the unhappy man, in an ironical tone, whether the dish were sweet or sour? The servant was naturally mute with fear. The Defturdar now ordered him to be nailed by the tongue to the door and his face to be smeared with honey, in order, as he expressed himself, to stimulate his gustatory faculties. In this position the unfortunate man had to pass two full hours. It took a long time before he recovered, and a variety of remedies were required to heal his tongue.

"A seyss or groom, whose office is, according to custom in Egypt, to run before the rider, was incapable of keeping up with the Defturdar from absolute fatigue, in a long and quick trot. The tyrant struck him with his whip to quicken his pace. The unfortunate man, who was, however, quite exhausted, as may be supposed, did not become more active after this remedy had been applied. For this crime the unnatural barbarian had his feet bound to the tail of a horse, and ordered the animal to be driven through the streets of Lobeid by two other seyss. The unhappy groom would, no doubt, have met his death in this manner, were not the streets paved merely with fine sand; thus he received many wounds, but none which proved mortal. The horse, unaccustomed to such usage, turned sud-

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denly round, and struck at the unfortunate seyss, who, in desperation, seized the animal with all his remaining strength by the head; and to save himself bit its upper lip. No attention was at first paid to this slight wound, but in a short time the head of the horse began to swell, and it eventually died. The seyss, who was covered with wounds however, survived the torture.

"A man gave his neighbour, in a quarrel, a box on the ears; the latter brought a complaint against him before the Defturdar. 'With which hand didst thou strike thy neighbour?' asked the tyrant. 'With the right,' answered the peasant. 'Well,' replied the Defturdar, 'that thou mayst not forget it, I shall have the flesh removed from the palm of that hand.' This order was immediately executed. 'Now return to thy work,' said the Defturdar to the sufferer, who, writhing with pain, replied: 'In this state I cannot work.'—'What!' exclaimed the tyrant in a rage; 'thou darest to contradict me! cut his tongue out, it is rather too long!' and this operation was also immediately performed, without consideration of the tortures to which he had been previously subjected.

"The Defturdar one day observed, that some one had taken a pinch of snuff out of his box during his absence; his suspicion lighted upon his valet; he therefore, on a subsequent occasion, confined a fly in his box, and leaving it in his divan, went into another room, and ordered his servant to fetch something from the chamber in which he had put down the box. The servant fell into the snare, was really tempted to take a pinch, and the fly escaped without being observed. In a short time the Defturdar returned to the room, found that the fly had escaped from its confinement, and immediately asked the servant 'Who had opened the box?'—'I, sir,' he confidently replied; 'I took a pinch.' This liberty he paid with his life: the ruffian had him flogged to death.

"A negro bought milk of a woman for five paras, drank it, but forgot the payment; the woman complained to the Defturdar, who happened to be in the neighbourhood. 'Well,' said he, 'I will immediately investigate the affair,' and ordered the offending negro to be instantly brought before him. When he appeared, he asked him if he had bought milk of that woman, and not paid for it? The negro, in fear, denied it. The barbarian immediately ordered the abdomen of the negro to be cut open, to see whether his stomach contained the milk. It was, indeed, found; whereupon he quietly said to the woman, 'Thou art right, take these five paras, and now go thy ways.'

"In his garden the Defturdar had a den, in which he kept a lion: the animal became gradually so tame that he ran about at liberty in the grounds, and followed his master like a dog. Of this tame lion the tyrant made use to frighten the people who came before him, a species of wanton sport in which he took the greatest pleasure. If it so happened that no stranger came to visit him during the hour in which he engaged himself in his garden, he ordered his attendants to

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bring any person they might meet on the high roads to him. The invitation was sufficient in itself to frighten any one to death; but when an unfortunate man in the greatest trepidation entered the garden, and in absolute fear of his life creeping along the earth, approached the Defturdar, he set the lion at him, and the poor fellow, of course, fell senseless to the ground at the sight of the wild beast. This was now his greatest delight; for, although the animal did no harm, it was sufficient to frighten the most courageous man to be brought in close contact with a rampant lion.

"Before this animal was quite domesticated, and whilst it was yet kept in confinement, one of the gardener's assistants was guilty of some error, of which the superintendent complained to the Defturdar. In no case dilatory in passing judgment, he ordered the accused, without going into details, or listening even to the full explanation of the case, to be cast into the lion's den. This order was immediately complied with; the beast, however, treated the poor condemned wretch like a second Daniel; it not only did him no harm, but, to the astonishment of all beholders, licked his hands. The gardener's assistant was not the animal's attendant, but had occasionally thrown some of his bread into the den in passing. The noble animal had not forgotten this kindness, and spared his benefactor's life. The Defturdar, on hearing this, was by no means pleased; but bloodthirsty as ever, and without feeling the slightest appreciation for this act of generosity, ordered the lion to be kept fasting during the whole of the day, and the delinquent to remain in confinement, thinking, in the anger of ungratified rage, to force the beast to become the executioner of its benefactor. But even hunger could not overcome the magnanimity of the royal animal, and the poor gardener remained the whole day unhurt in the den with the lion.* In the evening he was liberated, but the unfortunate man did not long escape the vengeance of the tyrant, who, meeting him one day in the garden, where he had brushed up a heap of leaves, accosted him with, 'Dog, thou art so bad that a lion will not eat thee, but now thou hast made thine own grave.' Hereupon he commanded him to carry the dry leaves to an oven, and then to creep in himself. When this order was executed the tyrant had the leaves lighted, and the poor wretch expired under the most horrid tortures.

"A fellah (peasant) owed the government forty maamle,† the sheikh of his village had his last ox seized, the fellah declaring himself incapable of paying. The beast was slaughtered and divided into forty parts: the butcher received the head and skin for his trouble,

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* This noble animal will probably be found stuffed in the Royal Museum at Munich, for Mehemed Ali presented it to the Conseillier d'Etat Schubert, who was at Cairo in the year 1836.

† A coin which is no longer current, but was equal to two piastres ten para, about twelve and a half kreuzer current=eightpence of English money.—Tr.

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and the remaining forty parts were sold at one maamle each, to the inhabitants of the village promiscuously. The meat, as may be supposed, was quickly sold at this low price. The poor peasant now appeared with a complaint before the Defturdar, assuring him that the ox was worth more than forty maamle. The Defturdar proceeded with all speed to the village, to investigate the matter on the spot. Having convinced himself of the truth, he ordered the sheikh, the butcher, and all those persons who had bought a portion of the confiscated ox, to be called together, and reproached the sheikh, in presence of all, for his unlawful conduct. The butcher now received the order to slaughter the sheikh, and to divide his body into forty parts. Every former purchaser was obliged to buy a part at a price of one maamle, and to carry the flesh home with him. The money was handed over to the fellah as an indemnification for the ox which had been taken from him.

"At the feast of the Baëram* all the servants and seyss, eighteen in number, went before the Defturdar to offer their congratulations, according to custom, and begged at the same time for a pair of new shoes. 'You shall have them,' said he. He now had the farrier called, and commanded him to make eighteen pairs of horse-shoes to fit the feet of his servants; these were ready on the next day, whereupon he ordered two shoes to be nailed to the soles of the feet of each of the eighteen servants without mercy. Nine of them died in a short time of mortification; he then had the survivers unshod, and consigned them to the care of a medical man."

It must be said for Mahomet Ali that these atrocities were not perpetrated with his authority or connivance, and that at last he deposed this ruthless tyrant, and had him put to death; but Egypt remains a heavy and fatal incubus upon the prosperity of Kordofan. The government is now more lenient; but in a province so distant and inaccessible as Kordofan, there must always be a wide field for the abuse of local authority, and the system pursued continues to be one which tends not to enrich the country, but to drain it of its resources. The people are reduced to abject poverty by duties and imposts of every description; and the old proverb, "Where a Turk sets his foot, no grass will grow," is here fully exemplified. The province is now governed by the Bey, or colonel, of the first regiment of the line; and all inferior government situations are obtained by purchase, the highest bidder among the candidates obtaining the vacant post. The consequence, of course, is, that every officer avails himself of his position to extort as much as possible, in order to reimburse himself for his original outlay, so that when a contribution is ordered to

* A solemn feast kept by the Moslemin; the great Baëram commences on the 10th of Dhu Ihajia; the little Baëram is held at the close of the fast Ramadhan.—Tr.

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be levied from Cairo, double the amount is usually exacted. Mahomet Ali knows this, and has tried to enforce a more just administration, but without success. A commission of inquiry sent into the province in 1838, checked the abuse for a time, but for a time only, the system remaining unchanged; partly, perhaps, because Mahomet Ali feels the necessity of a cautious policy with the governors of these distant provinces. He knows that a revolt in Sennaar and Kordofan, now that the natives have become accustomed to the use of fire-arms, could only be subdued with an enormous sacrifice of troops: the governors are, therefore, for all merely local objects, practically independent; and finding themselves rarely interfered with, they substitute arbitrary will for the laws and institutions of Mahomet Ali, and exercise a more despotic power over life and property than the Viceroy himself.

Abuses of local administration, however, sink into shade when seen by the lurid light of the horrid slave hunts for which Mahomet Ali alone is responsible. Pallme, who is in some sort an apologist for the viceroy when any fair excuse presents itself, pleads for Mahomet Ali that a true account of the inhuman deeds committed in his name on these occasions never reach him, all the parties employed being too deeply criminated to make a faithful report; but common humanity and a slave hunt are inconvertible terms, and by no effort of the imagination could the ruler of Egypt deceive himself as to the true character of these expeditions.

Pallme describes a slave hunt organized in the years 1838 and 1839, when the province of Kordofan was ordered to contribute 5,000 slaves. The slaves were to be procured from the mountains of Nubia, inhabited by independent tribes. The inhabitants of the first hill attacked surrendered; those of the second had fled, leaving nothing behind them but their huts, which were instantly fired and burnt to the ground.

"And now the march was continued to the third hill. The inhabitants of this village had formed the firm resolution of defending their freedom to the uttermost; and, determined to suffer death rather than the horror of Turkish captivity, had prepared for a most obstinate resistance. The hill was charged, but the troops were several times repulsed; the attacks, however, were renewed, and the village was ultimately taken by storm. The scene which now presented itself to view was frightful in the extreme. Of five hundred souls who had been the peaceful inhabitants of the village, one hundred and eighty-eight only were found living. Every hut was filled with the bodies of the aged and the young indiscriminately, for those who had not fallen by the sword in battle, had put themselves to death to elude the dreadful fate of captivity. The prisoners were

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led away; and the place was given up to the soldiery for plunder, but the dead were left disinterred. A fearful scene for the few who were fortunate enough to escape the carnage by flight! Nothing but the dead bodies of their friends and the ashes of their homes met their eye on their return!

"In order to recruit the troops, a camp was now formed, and a detachment sent out in search of forage. An encampment of this description, which is always erected on the plains, consists of an irregular quadrangle, surrounded by a hedge of thorns or bushes, or sometimes even by a stone fence, in which the regular infantry, the guns, and baggage are enclosed, whilst the cavalry and spear-bearers encamp without the enclosure. Of setting outposts, or of other judicious military movements they have no idea, but confine themselves merely to preparations for defence in case of a surprise, as the negroes frequently venture by night on an attack, which might prove very destructive to the troops, considering their carelessness. Generally speaking a camp is soon broken up, and this was the case on the present occasion; for no sooner had the soldiers recovered somewhat from their fatigues, and furnished a scanty supply of provisions, than the tents were struck, and the march commanded for the next hill destined for attack. The cavalry was sent about two miles in advance to surround the hill. On its arrival, however, in the vicinity of the village, it was suddenly surprised by the inhabitants, who had received intelligence of the movements of the troops, and was attacked with vigour. The negroes in a very large body, and only armed with spears and shields, broke with impetuosity from their covert, and with a fearful war-cry, augmented by the shouts of the women accompanying them (resembling the *Lu, lu, lu!* of the Arab women), threw themselves headlong upon the enemy. Surprised by this sudden movement, yet too discreet to sustain the attack of the negroes, the cavalry turned and took to flight. One of the Bedouin chiefs, who was mounted on a restive horse, and could not keep up with his troop, was surrounded; he seized his gun to discharge it at the first man who might attack him, but it refused fire, and before he could make use of his pistols and sabre, or put himself in any other way on his defence, he was torn off his horse and instantly slain. None of his corps made the slightest attempt to save their officer, for each man was intent on his own escape. This flight must not be ascribed to cowardice on the part of the Bedouins; for they generally fight well, provided their interest is not at stake. By fraud, or promises destined never to be fulfilled, these nomadic people are enticed away from their native plains and employed in these frightful slave-hunts. With the exception of very trifling pay, they can expect nothing beyond what they may be able to gain themselves by robbery and plunder; if by any chance, and without fault on their part, they happen to lose a horse—which is their personal property—even on actual service, they cannot reckon upon any indemnification from the government; for should they

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not have the means of purchasing a fresh animal, they are indeed mounted by the government, but the price of the horse is deducted from their pay, which is always on the very lowest scale, and thus they have to serve for several years gratuitously. Their sheikh, or commanding officer, told me this himself, and assured me that his Bedouins (erroneously termed Mogghrebeen) would act very unwisely in risking their horses on an attack whence nothing was to be gained; for the negroes, in encountering cavalry, are well aware of the advantage of injuring the horse rather than the rider, as the latter falls a certain victim to them when the animal is slain. After the cavalry had again formed in the rear of the infantry, the officer in command ordered a charge by the foot for the following day. If the attack had succeeded, the carnage would indeed have been terrific, for the troops were all eager to revenge the death of the Bedouin sheikh. But it was differently recorded in the book of fate. With the first dawn of morning the infantry were put in marching order for the ensuing storm, and the cavalry placed in reserve. The advance was now made, on the word of command, with the utmost caution, a few cannon balls having been first sent into the village without effect. All remained perfectly quiet, until the advance-guard of the storming party had reached the foot of the hill and prepared for action, when the negroes suddenly broke forth endeavouring to surround the enemy. The position of the Egyptians became now very critical, for bent upon the capture of this hill, they had overlooked two other villages flanking the one attacked, which were densely populated by negroes, who joined the besieged, and threw themselves with the whole strength of their united forces upon the troops. Not one man would have escaped, for enclosed in a narrow valley and surrounded by hills, the infantry could scarcely move, and no assistance could be expected from the cavalry. The whole brigade, in fact, would have been lost, as the negroes gathered like a black cloud upon the hills, and poured down by hundreds upon the enemy; no troops could withstand their attack, for they rushed into battle with unparalleled frenzy, regardless of shot or bayonet, and used their spears with great dexterity. The commander of the Egyptian forces, however, betimes recognised the danger threatening his troops, and ordered a retreat; when the whole body fled in wild confusion from the vale of death. The cavalry was not behindhand in this movement, and thus the brigade never halted until it was fairly out of the dominions of the foe. Of a renewal of the attack there was now no idea; for nothing in the world can induce these heroes to repeat an advance where they have once been beaten. They know further that the negroes become almost invincible with success; while the musket and bayonet afford but slight advantage over the weapons of the blacks, for the wild inhabitants of the hills rush blindly to the charge, heedless of every wound. I myself had opportunities of convincing myself of the intrepidity of these men.

"After the troops had again collected, order was once more re-

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stored, and the march was continued; in the course of a few days several hills were taken, and the prisoners duly forwarded to Lobeid. The expedition now moved in a southern direction from the Nuba mountains, towards a country inhabited by a different race of men. The tribe now attacked differs from the natives of Nuba, both in language and manners; they are easily recognised by the number of brass earrings, which they do not pass through the appendix of the ear, but wear in the upper part of the cartilage, by which means the whole ear is distorted, so that the superior portion covers the meatus. Almost all the men wear the tooth of some animal, one inch and a half to two inches in length, above their chin; it is passed through a hole in the under lip when they are very young, and acquires a firm adhesion with the integument. In their habits they differ but little from the other negro tribes, but it is rather remarkable that they do not, like the negroes, Turks, or Arabs, convey food to their mouths with their fingers, but make use of a shell, or piece of wood, shaped like a spoon, for this purpose. The dwelling place of this tribe was very advantageously situated on the summit of a hill, and very difficult of access; the commanding officer, therefore, on hearing that it was not supplied with water, to avoid a loss, decided upon surrounding the hill, and forcing the negroes by thirst to surrender. The siege lasted eight days, and the poor creatures, who felt themselves too weak for a *sortie*, had not a drop of water left on the fourth day, as was subsequently heard. The cattle were slain in the early part of the blockade to diminish the consumption of water; on the sixth day, several children and old people had perished of thirst; and on the seventh day the mortality became so frightful that they determined to surrender. Several of them advised a sally, but exhausted as they were, they saw the futility of this movement; and when, on the eight day, hundreds had fallen in the most fearful torments of unsatisfied thirst, and many of the negroes, in the horrors of despair, had put an end to their miseries by ripping open their abdomina with their double-edged knives, the small body of survivors delivered itself up to the enemy. Of more than two thousand souls, one thousand and forty-nine were only found living, the rest had all perished by thirst or had committed suicide. On entering the village, the huts were seen filled with the dead, and the few unfortunate survivors were so exhausted by fatigue and overpowered by thirst, that they could scarcely stand upon their feet; yet with blows with the butt-end of the musket, or with the whip, these poor wretches were driven from the huts, dragged into camp, with every description of cruelty, and thence despatched for Lobeid, on which march more than one hundred and fifty souls perished from ill usage.

"On the fourth day of the march of this transport, after the caravan had halted, and whilst the prisoners were forming detachments to take up their quarters for the night, it so happened that an aged woman, worn out with the fatigues of the long march, or overcome by the mental sufferings she had endured, was incapable of reaching

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the spot assigned to her with sufficient alacrity, and a barbarous Turk dealt her a blow with the butt-end of his musket, which laid her nearly lifeless on the sand. Her son, who witnessed this gratuitous act of cruelty, no longer master of his feelings, rushed with fury towards the soldier, struck him a blow with the sheba round his neck, and felled him to the ground. This was the signal for attack; all the slaves, who bore a sheba, threw themselves upon the troops, and knocked them down before they could take to their arms or fix their bayonets; thus fifty-six negroes took to flight during the confusion in the camp, and aided by the darkness of night, succeeded in effecting their escape."

More than once Mahomet Ali has pledged himself to put an end to slave-hunting expeditions in all the countries dependent upon Egypt; but the pledge does not appear to have been redeemed. Slave hunts were resumed in 1840 and 1841, and whether the British government has yet finally succeeded, by threats or remonstrances, or the negotiations consequent upon our Syrian campaign, in stopping slave hunts for the future, is a point upon which the public may naturally be sceptical. Assuming Mahomet Ali to be in earnest, we have little doubt that the local governors would still continue to carry on slave hunts for their own private benefit. Pallme, however, shows satisfactorily that the policy of these expeditions is as mistaken as it is criminal; and that if friendly relations were established with the Nubian tribes, their vast gum forests alone would enable the viceroy to realize a much larger revenue than he has ever obtained by these marauding and hazardous excursions.

Whatever may be the defects of the African character, the treatment the blacks have received at the hands of more civilized races has certainly not been calculated to raise them from the state of brute or savage; yet there is abundant evidence that in many of the qualities which ennoble humanity, the native African is by no means deficient, and their rude notions of justice are certainly entitled to respect; indeed, in many cases, as in the following amusing instance, it is by no means safe to countenance, even in appearance, an infraction of fair and honourable dealing. Pallme was travelling on the borders of the Shilluk's country, along the White Nile, when an incident happened which would have cost him and his servant their lives but for his knowledge of the true character of the people.

"I pitched my tent on the shore of the White Nile, and sent my servant out in search of the wood requisite for our consumption during the night; for it is necessary in these regions, when encamped in the open air on the banks of the river, to keep up a fire all night long, partly on account of the crocodiles, which swarm in these localities, and are very dangerous, partly on account of the hippopotami; for,

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although the latter never do any injury, yet they are by no means an agreeable acquaintance. Lions, moreover, and other beasts of prey, might pay a very disagreeable visit in the dark, and they are only to be kept at a respectful distance by maintaining a fire throughout the night. Just as my servant was about to sally forth in quest of fuel, a boat, laden with wood, and rowed by a negro, crossed the river, and landed near my tent. My servant immediately walked up to the negro, and demanded a quantity of wood, as he could find none in the neighbourhood. The good-tempered black instantly gave him the half of his store; but, as soon as I had turned my back, my avaricious servant asked for more, which the negro flatly refused; the former, hereupon, became abusive, and his opponent by no means remained mute, until from words they fell to blows, and, finally, began to fight in real earnest. The negro, who was the better man of the two, gave my servant a sound beating, and did not cease, until he roared out most lustily for mercy. I observed the scuffle from the distance; but, unacquainted with what had transpired, and merely seeing that my servant was getting the worst of the affray, I took my double-barrelled gun, presented it at the negro, and commanded him to desist. He instantly sprang on his feet, seized his spear, and threw it at me, before I was even aware of his intention; the missile, fortunately, only grazed my wide papooshes. He was now disarmed, and I again presented at him. The negro remained perfectly cool, and merely said, 'Shoot on! I die; and what of that!' I now saw that nothing was to be effected by intimidation, laid my gun aside, and, walking up to him, inquired into all the circumstances of the case, which he faithfully related. Convinced of the injustice of my servant, I endeavoured to pacify the negro, and assured him that I would punish the former. All my persuasion was, however, in vain; he foamed with rage, and replied, 'that we should both suffer for this act.' Seeing that he was too weak to offer battle to us both, he ran away in an instant, loudly uttering his war-cry of 'Lu, lu, lu!'* This was an ill omen for us, and put us both in no slight degree of fear. Flight was out of the question, we had no chance of thus escaping. I, therefore, set my wits to work to devise a remedy, to avert at least the first outbreak of our enemies' rage. I bound my servant hand and foot with a cord, and taking up the branch of a tree which lay near me, pretended to beat him most unmercifully; he played his part remarkably well, and screamed as if he were being impaled, whenever I made the slightest movement with my hand; for we already descried a crowd of natives at the distance, running towards us, their lances glittering in the evening sun, and the shouts of the women, who followed in the wake of the men, boded us no good; but the nearer they approached the better

* *Lu, lu, lu!* This cry has a triple signification. It expresses joy, grief, and danger, and serves also as an encouragement in battle. The intonation of these sounds determines the difference of their import. It may be readily recognised when it has been frequently heard, but cannot be described.

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we played our parts; and my servant continued his screams until he was fairly out of breath. Those of our enemies, who were nearest, called out to me to desist; and when I obeyed, my servant rolled himself about in the sand like a madman. The negro who had been the cause of the whole scene now walked up to me, took my hand, and said, 'Have no fear, you shall not be hurt, because you have acknowledged the injury your servant has done me, and have punished him for it.' An old man now untied the cord which bound the hands and feet of the culprit, and approached me, to be informed of the whole affair. They proved to be Bakkara.* I invited the old man and the negro, of whom I have before spoken, into my tent, where I entertained them with coffee, and gave them my pipe to smoke. Harmony was immediately restored, and every one conciliated. They asked me whence I came, and where I was travelling to, and then the conversation turned on other topics. When the night closed in they all gradually retired, with the exception of five men, who remained with me all night as a guard, emptied several pots of merissa together, and kept up the fire, thus consuming the whole of the wood which had been the *belli teterrima causa.* When they took their leave of me in the morning they presented me with a young gazelle, as provision for my further journey."

We regret that our space does not admit of further extracts; but it would be difficult to exhaust the interest of 'Travels in Kordofan.' We conclude by a cordial recommendation of the work. E.

ART. VII.—*Communication with India, China, &c. Observations on the proposed Improvements in the Overland Route,* via *Egypt; with Remarks on the Ship Canal, the Boulac Canal, and the Suez Railroad.* By John Alexander Galloway, Esq., C. E., Member of the Institution of Civil Engineers. Weale, London.

THE question of an improved transit to India through Egypt for passengers and letters, has for several years engaged the attention of commercial and scientific men in this country and the East, and has of late acquired even a continental interest. In 1834 a Select Committee appointed by the House of Commons to inquire "into the means of promoting communication with India by steam," reported that "measures should be immediately taken for the regular establishment of such communication;" and in 1837 another Select Committee was appointed by

* Bakkara are a race of Arabs who occupy themselves with breeding cattle.

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the House to inquire "into the best means of establishing a communication by steam with India *by way of the Red Sea.*" This committee, consisting amongst others of the late respected Lord William Bentinck, Sir John Hobhouse, Sir James Graham, and Lord Sandon, conclude their short report by stating "that they were strongly impressed with a sense of the advantages," political, commercial, and personal, "which would arise from a more extended system of communication." The main recommendation urged on the government by the committee, "that a direct and regular communication should be made by steam packets from Suez to Bengal," has since been most happily and effectually carried out, and we earnestly hope that the important project of a railroad between Cairo and Suez, which was first publicly detailed before that committee by Mr Galloway, and is essential to the completion of a system of secure, regular, and efficient communication, will be also soon practically set on foot and thoroughly established.

The long interval which has elapsed since the publication of that report has not only been marked by political agitations which necessarily produced in Egypt a suspension of internal government undertakings, but also by the gradual adoption of improved arrangements for the communication between England and India, demanded by the exigencies of our increased empire, and our expanding commerce. Each successive year has produced some addition to the facility and security of the system of communication, and the Overland route only requires the establishment of the Suez and Cairo railroad *for its completion.* Passengers will then cross the Desert in three hours, in comfort and safety, and the monthly mails from India will, by the acceleration, arrive in England in time to be answered by the outgoing post.

The advantages to England which will result from its establishment, "political, commercial, and personal" (to use the appropriate expression of the Committee of the House of Commons), are so strong and so obvious that they have now excited the open and undisguised hostility of Foreign Powers, hitherto working against it only by intrigue and cabal in the Divan of the Pacha. The French and Austrian papers which represent the government views as well as the popular feeling, have recently developed, in a most distinct and unreserved manner, the jealous spirit with which they regard this "English undertaking;" and we hope that the fact will open the eyes of our own government to the importance of an object which they have most unaccountably neglected, although on the continent they have generally had the credit of this as one of the secret aims of our Eastern policy.

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In the 'Times' of the 30th of September last there appeared an article extracted from the 'German Universal Gazette,' in which the railroad was denounced in terms equally angry, absurd, and inconsistent. The writer says that "to execute such a costly undertaking at the Pacha's own expense would be impossible with the miserable financial state of the country," and asks "why millions should be spent and thousands of fellahs withdrawn from the cultivation of the soil to save the British ten hours of time and a few shillings of transport charges which the poor Bedouin is earning at present with his faithful dromedary?" Affecting picture! Now in the first place, if by millions is meant pounds sterling and not dollars, there is ample evidence before us that it would not cost any such sum, but could be executed for considerably less than half a million sterling; and if the same plea "of the miserable financial state of the country" will not allow of such an undertaking as the railroad, how will it allow of the undertaking which is earnestly recommended two sentences afterwards, viz., the formation of a great canal between the Red Sea and the Mediterranean? a work which *will require millions of pounds sterling and a quarter of a century to accomplish.* Besides, the writer in the 'German Universal Gazette' might have known that the Pacha has proposed to employ in the construction of the railroad his large army, which would thus be engaged in an employment of utility it is seldom the lot of armies to undertake, and thereby achieve a real, lasting, and useful conquest in the arts of peace.

Again, the writer says, "immense difficulties would accrue to keep such a railroad in order, and to guard it sufficiently," because "the nitric vapours of the Desert, the movable sands, and the Bedouins deprived of their earnings, would severally contribute to destroy the railroad." As for the *nitric vapour,* it is a pure fiction of the writer's imagination—no such thing exists in *rerum naturæ;* and secondly, the *Desert between Cairo and Suez has no movable sands,* as is too frequently and erroneously imagined by Europeans not acquainted with the country, but which are well known not to exist by thousands who have crossed the Desert in common carriages *en route,* to and from India, for the last seven years. This part of the Desert is thus described in the maps of Egypt made from the survey of British engineer officers. "The road throughout this part of the Desert is in general *hard gravel and pebbles fit for artillery and carriages.*" *The movable sand is in the Isthmus, the very place where it is proposed by the German writer to cut the canal.* This is a conclusive proof of the author's ignorance and inconsistency, which can be carried no further; and as to the Bedouins, their position would be improved instead of injured by the establishment of the railroad, because

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their services could be more profitably employed, and therefore more liberally compensated. So much for Austria; but unhappily the hostile spirit displayed in the 'German Gazette' is equally evident in the French press. Both the 'Journal des Debats' and the 'Constitutionnel,' the organs of the two parties of M. Guizot and M. Thiers, concur in urging the expediency of making the canal across the Isthmus instead of the railroad. This unanimity is wonderful, and an Englishman may naturally think it ominous, and fraught with some sinister design.

Yet concurring as both papers do in their opposition to the railroad, they differ completely in their own projects, for the 'Debats' recommends the "great cut" between Suez and Tineh (near the ancient Pelusium), across the Isthmus, while the 'Constitutionnel' recommends the canal between Suez and Cairo. We really think the French ought to agree as to what is to be substituted for the railroad, before they denounce it, merely because it contributes to the advantage of England; and we cannot resist the inference that these different projects of canals are merely started as a diversion to the railroad, and are not proposed with any serious belief of their practicability. They are put forward to serve a diplomatic and political purpose, without any real care for the commercial advantages of the Continent, as pretended, but out of a spirit of opposition and jealousy to England. We shall now dispose of each of these projects, and from the able pamphlet of Mr Galloway, mentioned at the head of this article, extract what we consider to be a decisive reply to all that has been advanced in favour of both these canal schemes.

First. The Ship Canal. This canal is proposed to be cut between the Mediterranean and the Red Sea, across the Isthmus, and over ground, *part* of which was the site of the ancient canal referred to by the classic writers.

The project has unquestionably been advocated even by some recent English writers, as for instance, Captain Veitch* and Mr Clarkson,† who, dazzled by the magnificence of the project, have not sufficiently considered, nor indeed had the means of knowing, the difficulties which beset the undertaking, almost insurmountable in an engineering point of view, and quite so in a financial one. The first grand difficulty is that of forming entrances to

* 'Inquiry into the Means of establishing a Ship Navigation between the Mediterranean and the Red Sea.' By James Veitch, Captain R.E., F.R.S. Richards, Cornhill. 1843.

† 'The Suez Navigable Canal.' By Edward Clarkson, Esq. Reprinted from the 'Foreign and Colonial Quarterly Review.'

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the canal at both seas, which, to be rendered available, will involve the necessity of most extensive and costly works. This difficulty is fully admitted by the French themselves, who attempt, however, to evade it by asserting that works of equal magnitude have been accomplished in France, referring to Cherbourg and Cette; but any such comparisons are ludicrous, as will appear by the following extract from Mr Galloway's pamphlet, and the report of an engineer, who, at his request, visited the proposed site of the canal so recently as March last.

"Some have certainly treated this great engineering work as a most easy and practicable affair, although there is no similar work to be compared to it anywhere in the world. Those used to engineering works will best appreciate the value of such opinions given upon a projected ship canal, extending from the Red Sea to the Mediterranean Sea, capable of passing vessels of from 1,500 to 2,000 tons burthen, when vessels of such a tonnage cannot reach the mouth of the proposed cut within four miles in the former sea, and eight in the latter. On the Mediterranean Sea coast a capacious artificial harbour must be made, as well as a channel, for many miles seaward, there being no shelter nearer than *Beyrout*, which is a very inadequate one, and at two hundred miles distance; or *Alexandria*, which is one hundred and fifty miles.

"It is the unanimous opinion of high naval authorities that for sailing vessels of a large class, with even an adequate harbour to enter from the Mediterranean, it would be a most difficult and dangerous navigation during the greatest portion of the year, as it could only be made in moderate weather, and as the whole surrounding coast must be considered an exceedingly dangerous *lee shore*. In a letter recently received from Captain Glasscock, R.N., of the 'Tyne' frigate, who was then cruising between Alexandria and Beyrout, this opinion is fully confirmed by him. With regard to the cost of such a work, with the very imperfect information that exists on the subject, it is very difficult to estimate approximately; but, on a careful consideration of all the circumstances, I do not think the work could be executed, with the approaches and harbour at both seas, under five or six millions of money. Another point for consideration is the time it would require to execute it, and the source from which the funds to form this are to be supplied. I think there are few engineers who would, even supported by the British Treasury, undertake this greatest of great works in a foreign country, with all its disadvantages for execution, under ten years, and probably double that time. These conclusions are supported by the recent survey of an engineer, who reported as follows:—

"'I started from Suez on the 10th of March, 1844, and six miles from that place fell in with the remains of what is called the ancient canal, which extends about nine miles, but beyond that nothing whatever is visible. I directed my course to Sheik Anedik,

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occasionally diverging from right to left, and so on to the Bir El Arrass and the Bir El Dowedar, all of which appear on the map; and when within sight of the bay of Tineh I could not approach it, owing to the land being very swampy. Having achieved all I sought for—viz., an examination of the different lines projected, I retraced my steps into the El Arish road, and skirted the Desert up to Salich, and near to Belbeis, where I turned off across the country, and joined Moses' Canal at Zag-Zig, thence proceeded into the Damietta branch of the Nile round the head of the Delta, and down the Rosetta branch to Atfé. The direct line proposed by Captain Veitch is impracticable, inasmuch as it presents overwhelming difficulties of sand *mountains*, besides very high and low levels. The second line proposed would also be attended with similar obstructions; and the third, that of uniting the Lake of Menzelah with the Bitter Lakes and the Mediterranean, is equally impracticable, inasmuch as they are mere marshes. Indeed, after paying due attention to the possibility of finding a suitable line for a canal, I confess I gave up the project as a hopeless one. Starting from Suez, where there would be considerable work to form into deep water an approach from the shore, and viewing the immense work to form an artificial port and channel into deep water seaward at Tineh, or any part in its neighbourhood, as well as the variable levels and marshy land for several miles before reaching it, I have come to the conclusion of its being an impracticable affair; one in which millions may be spent in the attempt to effect it, while in the end it must be abandoned. What may have existed in the time of the ancients I know not, but my own eyes convince me if any canal of importance was ever used, the land must have undergone a material change, and what was available then is by this change rendered impracticable *now*. I am therefore disposed to look upon the Report of the French Commission with vast suspicion, and more particularly when I see their fellow-countrymen resident in Egypt following up the same ideas on most erroneous data.

"Last year Soliman Pacha and Galice Bey* visited the remains of the ancient canal near Suez, and pronounced the feasibility of establishing the whole line, without going over the ground, and forgetting that it only formed one-twentieth part of the line, and that the least difficult. It is really amusing to read some of the remarks contained in the recently published pamphlets, and it is fortunate for the authors that the scene of their exploits is so far off to save them the pain of being severely animadverted upon. I have been over the Caledonian Canal, and I am well acquainted with its construction, and the difficulties Mr Telford had with it, which, if I recollect right, cost the country above a million sterling. Judging from that parallel case, this work would cost *treble* as much—a sum which would be independent of the additional cost of the artificial

* Both French military officers in the service of the Pacha.

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harbour in the Mediterranean, which ought to hold many sail, and of the channel, which must be run from the canal at least six miles out. The work has also to be formed in a desert, and therefore all the supplies must be sent from Cairo. If any parties are really serious about this project, their best plan would be, as a preliminary, to form the *Suez railroad*, so that they could convey the supplies and *materiel*, of which there is none along the whole coast, or in the district of the proposed canal; and I am not aware that any stone fit for such a work can be obtained, except from Upper Egypt, which of course must be conveyed down the Nile, and then across the Desert. In a word, the difficulties are so great, that I could fill a volume in narrating them."

Secondly. The Boulac Canal. This is the favourite scheme of the 'Constitutionnel,' and it stands alone in its advocacy of the project, which has had no other support in any influential quarter, and is put forth, we firmly believe, merely to answer *a temporary political purpose*. Mr Galloway thus satisfactorily and summarily disposes of this chimerical scheme:—

"This work would be dependent for its continual supply of water on the Nile, which could only be drawn upon during the high Nile, viz., eight months of the twelve. The great length of this canal, nearly one hundred miles, is a serious objection, and the various levels would require many locks and most expensive engineering works. For one-third of the year it would have a very limited supply of water,* and would occupy in time quite as long as the present journey across the Desert. It does appear quite unnecessary to increase the extent of land for cultivation to such a district, when there are thousands of acres of fine rich land, well irrigated, not cultivated for want of husbandmen. As far as regards the facility of intercourse, this scheme is not so good as the former; in fact, it would give no advantage of *cost or time* over the present system."

We now come to the only remaining project, *the railroad*, which would be highly beneficial to England in every sense—"political," "commercial," and "personal;" easy of execution, and profitable in a pecuniary point of view. We feel that we cannot better put our readers in possession of the merits of this interesting question than by referring them to the judicious and conclusive observations of Mr Galloway in his pamphlet:—

"The present transit, from Cairo to Suez, for passengers and baggage, occupies an average of twenty-four hours. The annoyances and inconveniences of this journey are mainly attributable to the length of time it occupies; and how little can be done to ameliorate them must be obvious, when it is considered that *the whole distance*

* It is a question whether the canal could be worked at all during low Nile.

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of eighty-four miles is an open desert, and every article of food, even to water, has to be conveyed from Cairo.* The road is at present bad and irregular, but it would cost many thousands of pounds to improve it, and even if improved, it *would not cause an acceleration of more than a mile or two in the hour*. The animals employed in the transport, viz., the camel, the horse, and the donkey, have been used for ages, and their powers and habits are well known, and have long been used to their utmost extent. The high temperature of the climate must always prevent rapid travelling by animal transport. These circumstances most clearly demonstrate the great difficulty of making any material improvement as to *speed* in this mode of conveyance. Again, the *cost* to passengers is very great, as the transit company are necessarily obliged to keep a very extensive and expensive establishment of servants and cattle all the year round, while their services are only required twice a month; this is, therefore, the cause of the very high charge, and which cannot be lessened. The most serious effect of the delay in crossing the Desert is the time required for the *mails*, which, in its consequences, is most injurious. The inward mail from India, *via* France, last year, only arrived on four occasions in time for replies to be sent out by the then outward mail. Thus, in eight instances, if the mails had been accelerated through Egypt twenty hours, which is quite practicable by *railway*, the great inconvenience of a month's delay in the correspondence with India, &c., would have been prevented. The incalculable advantages of such an immediate reply by the outgoing mail to the correspondents of the East Indies and China will be acceded to by all, and must be admitted by the advocates of the various projects for improvements and acceleration.

"'Our estimates show that with the present passenger traffic, reduced to one-half in cost to each person, the conveyance of goods in bulk as at present, the travellers to Mecca and various other parts, the conveyance of mails, with a train travelling each way every day, or in that proportion, that with the above items it will produce an adequate revenue upon the investment, and pay the expenses of working.'

"There can be no doubt, as soon as this road should be completed and in full operation, that the intercourse of travellers will be considerably increased, and the produce of the East will be then conveyed to Cairo, at a charge of about 2s. per ton, which now cost from 20s. to 30s.; for ere long a large portion consumed in the East of Europe would be conveyed through Egypt by the *railroad*. This might for the moment interfere with some established mercantile concerns; but it must eventually benefit the commercial interests generally, as it will enable quicker returns to be made, and afford sales at lower rates, thus increasing the consumption of articles, and extending the advantages of trade and civilization to a larger number of our fellow-creatures."

* In the stations along the road there is not even a well of fresh water.

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Such are the commercial advantages, and such the profitable results which would inevitably ensue from the establishment of this railroad, and the Pacha of Egypt is fully alive to their existence. He has shown a strong desire to adopt the undertaking, and his advanced age makes every month's delay in carrying it out a matter of serious consideration. We earnestly call on the government effectually to give him that support and countenance* which they appear so properly and so distinctly to have promised months ago, and thus *secure* this invaluable mode of communication with our Eastern empire. Our manufacturers are anxiously looking to India and China for new markets, to compensate the loss of those which the jealous and exclusive policy of the continent is gradually closing against them. Our merchants and capitalists see in the populous and unbounded plains of Asia, that sphere for a profitable investment of their capital which the restricted field for its employment denies them at home. Our statesmen know that the pre-eminent influence of England in European councils is mainly due to the great and growing extent of our possessions in the East. Whatever tends to facilitate and secure on a permanent footing the communication between England and India is therefore of paramount importance to all classes interested in the commercial and political greatness of this country,—and seldom has it been the good fortune of a government to enjoy so fine an opportunity of effecting an invaluable national object by measures so obviously beneficial and so easily attainable.

"These labours peace to happy Britain brings.
These are imperial works, and worthy kings!"

I.

ANNEXED PLAN AND SECTION.

The intention of the Pacha is to make a railroad from Alexandria to the vicinity of Cairo, as well as to Suez, if the terms of transit for the latter can be arranged with the British government; and a branch road from the city of Cairo to the main depôt has been made. The road marked A is the line to Alexandria; B to Cairo; and C a short road for the trial of engines, &c., D D D D. The Suez road runs in a right line for 75 miles, branches round at Aggoroot Fort, and from thence to the sea of Suez, at which it is intended to erect a pier; the entire length is 84 miles. The profile of the ground shows very favourable gradients upon the greater part of the line; there are no tunnels, and the engineering difficulties are very light.

* See Pamphlet, p. 13.

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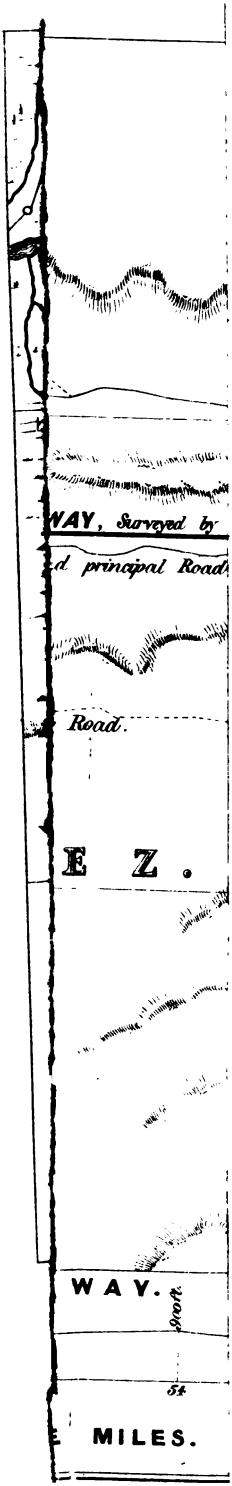

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ART. VIII.— *Commercial Statistics. A Digest of the Productive Resources, Commercial Legislation, Customs Tariffs, Navigation, Port and Quarantine Laws, Shipping, Imports and Exports, and the Moneys, Weights, and Measures of all Nations. Including all British Commercial Treaties with Foreign States. Collected from authentic Records, and consolidated with especial reference to British and Foreign Products, Trade and Navigation.* By John Macgregor, Author of 'British America,' and one of the Joint Secretaries of the Board of Trade. In 3 vols. Charles Knight and Co., 1844.

IT would be difficult to exaggerate the importance of these volumes;—a freewill offering to the interests of commercial industry of the Senior Secretary of the Board of Trade. A mass of authentic statistical information of indispensable utility to the statesman and all who take part in the discussion of international questions, has been collected, arranged, and with most laborious care, so digested, that while all essential details are given in a form convenient for reference, the reader is enabled to take a comprehensive view of the present state of our commercial relations in every part of the world.

The work contains a comparative view of the natural resources, advantages, capabilities, and power of the respective countries of Europe, Africa, and of a great portion of Asia. The commercial treaties which regulate the trade and navigation between the United Kingdom and other nations. A detailed account of the trade and navigation of each of those countries, with all other countries generally, for a series of years; and a detailed account for a long period of the trade and navigation of the United Kingdom and British possessions with the other states of the world. The tariffs, and the commercial and fiscal legislation; the local and port charges on trade and shipping; the several products of mines, pastures, forests, fisheries, soils, and manufactures, will all be found detailed in the two first volumes. The third, which has not yet appeared, will, we are told, be devoted chiefly to the United States and other states of North and South America, China, Japan, and British India.

The work is divided into sections: the first is confined to commercial and fiscal legislation generally: the other sections, one to each respective nation of the world,—and sub-divided into chapters embracing particular divisions of each section.

Mr Macgregor commences the first or introductory section

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with some judicious remarks on financial and commercial legislation, and an excellent chapter follows upon the interchange of commodities, which we are disposed to quote entire, as the text upon which every succeeding chapter may be regarded as a commentary. There is scarcely a fact embodied in this work that does not illustrate the value of commercial freedom, and we have never seen that principle put in a more forcible light than in the following extract, the excellence of which must justify its length.

"When the interchange of commodities, either raw or manufactured, between the inhabitants of a town or district, is subjected to no other restriction than its just proportion of the tax purely necessary to maintain its security, and its municipal order, and to defray the expense of erecting and supporting indispensable public buildings and institutions, we find, in that case, practical free trade existing, within such town or district, based upon a common interest, which each individual will, from personal interest, struggle to maintain in its peaceful course.

"A great nation is a great community, and all the nations of the earth, if the intercourse and trade between them were as free as between the individuals of a municipality, would then actually enjoy a peaceful and profitable system of common intercourse, based upon common interests, which it would be ruinous to any one of the nations concerned to disturb. The greater the commercial relations between the nations, the more disastrous would be the consequences of a war which would interrupt their reciprocity of interests. In proportion as this commercial and reciprocal interest has been of long standing and of great extent, the greater would be the securities for the maintenance of peace, and the more disastrous would be the calamity of continuing a war between two or more countries so circumstanced.

"All wars are more or less detrimental to the production of wealth, but a suspension of intercourse with a nation in which England finds but a trifling demand for her manufactures, would be of minor consequence, provided such war did not interrupt our intercourse with countries whose trade was of important value. A suspension of intercourse, for example, between England and America, could only be possibly maintained with great loss to both, from the long duration and enormous extent of the intercourse.

"The sound principle of unrestricted international trade, although laid down long since by Adam Smith, in opposition to the more specious theory of Colbert, has in British legislation only been practically attempted by the government during the first four years of Mr Pitt's administration, and during the time Mr Huskisson was in power, and, afterwards, to a limited extent, by Lord Sydenham. The most extensive and liberal reform in the British Customs duties since Mr Pitt's tariff in 1787, is the tariff of 1842.

"In France neither the government nor the legislature have ad-

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mitted even the principle of free trade. Hence the limited commerce of that country with other nations, which, in regard to imports, is restricted, except by smuggling, nearly altogether to raw materials of the first necessity to her manufactures, as cotton, wool, raw silk, dyestuffs, &c. There was one remarkable, but brief, exception to the generally unsound commercial legislation of France. That exception consisted of the moderate duties on imports into France from England, as embodied in Mr Pitt's celebrated treaty signed at Versailles on the 26th of September, 1786.*

"A war of material interests, or, more properly speaking, of material injuries—that is, a war of custom-houses or fiscal forts, with their garrisons of revenue officers and servants, has long been declared and carried on between most European nations. This warfare of interests, or injuries, has not ceased with the wars of bloodshed; and if we may ever expect security against a recurrence of the calamities attendant on, and consequent to the latter, it will be in destroying the elements of the former—in short, by the extension of free trade between all nations.

"Prohibitions and high duties on imports were, as is well known, from an early period common to most countries. England and France, so often and so long at armed warfare, were, however, the first, always excepting Spain, who, on a great scale, held up to Europe the example of a perniciously maintained war of material injuries against the reciprocal prosperity of both countries. England had her navigation laws, prohibitions, and restrictions on importa-

* The revolution annulled, at the same time, this treaty and its liberal principles of commerce and navigation. It is by far the most remarkable commercial treaty on record. According to its stipulations, "the subjects and inhabitants of the respective dominions of the two sovereigns shall have liberty freely and securely, without licence or passport, general or special, by land or by sea, or in any other way, to enter into the kingdoms, dominions, provinces, counties, islands, cities, villages, towns, walled or unwalled, fortified or unfortified, ports or territories whatsoever, situated in Europe, of the two sovereigns, and to return from thence, remain there, or pass through the same, and therein to buy and purchase all things necessary for their subsistence or use, and they shall mutually be treated with all kindness and favour: provided, however, that in all these matters they conform themselves to the laws and statutes." The same freedom was extended to ships and merchandise. The duties to be paid on French commodities in England were rated as follows:—Wines, no higher duties than on those of Portugal: (In Ireland no more than the nominal duties then paid on foreign wines.) Vinegar less than half the previous duty. Olive oil, the lowest duty paid by the most favoured nation. Brandy, 7s. per gallon. The following duties were to be levied reciprocally in both kingdoms, viz:—Hardwares and cutlery of all kinds, and of whatever metals, cabinet wares, furniture, turnery, &c., not higher than 10 per cent., *ad valorem*. Cotton and woollen manufactures of all kinds (except mixed with silk), 12 per cent. Gauzes of all sorts, 10 per cent. Linens, same duties as linens from Holland. Saddlery, 15 per cent. Millinery, 12 per cent. Plate and glasswares, porcelain and earthenware, 12 per cent.

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tions and bounties, before France had extensively established those pernicious regulations. In 1664, France, 'in order to engage builders and merchants to construct French vessels, imposed a duty of fifty sous (two shillings) per ton on all foreign vessels.' In 1687, the war of material injuries—that directed against the importation of foreign commodities, including all manufactures—was, as a principle, fully established by France. Austria, but not until one hundred years afterwards, followed the example, and on the same specious grounds, viz., to force the creation and prosperity of home manufactures, by excluding those of foreign states.

"In the history of Europe we cannot discover a sovereignty, great or insignificant, that has not maintained its war of material injuries against its neighbours, during the usually considered state of peace, as well as when engaged in armed hostilities.

"Germany, in her history, exhibits amply, from its most early period, until within the last few years, the ruinous modes of levying taxes. There is scarcely an old castle in the empire that can be viewed, in the choice of its position, otherwise than as a toll-house and prison, as well as a place of defence.

"The capital of Bavaria owes the origin of its detestable situation, and worse climate, to a quarrel between a duke of Suabia and a neighbouring prince-bishop, respecting the toll on, and monopoly, of salt claimed by the former. The duke, to put an end to the chief business of the bishop, that of smuggling salt, built a strong castle on the banks of the Isaar. This protection occasioned a town to grow up around the castle; and the consequence has been, that one of the most classically built cities of Europe is cursed with a climate and situation worse than that of St Petersburg.

"Afterwards each petty German sovereign established a line of customs-officers around his frontiers, to levy taxes upon commodities. Intercourse between one state and another was consequently subjected to great expense and inconvenience—industry was crippled—competition smothered—and the revenue itself gained but little, owing to the expense and the corruption of collection.

"The war of material injuries between one German state and another has now, however, nearly ceased. 'The great Germanic Union of Customs,' says Mr Loehr, 'which for ten years appeared impracticable, was at last accomplished by means of that constant persevering German spirit which pervades and rules over our country—found as well in her enlightened ministers as in the known gratitude of her faithful people. Thus, within themselves, free-trading interest now unites twenty-eight millions from the Baltic Sea to the Alps.' So much for the tariff and regulations of this extraordinary union of material interests, which has destroyed all the barriers to commercial intercourse from the frontiers of France and Belgium to those of Russia and Austria.

"There is no theory probably more flattering to princes and statesmen, or to a whole nation, than to institute measures which

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hold out independence of all other nations, by producing and manufacturing at home all that is considered necessary and luxurious. It was easy to win a prince and people to adopt the application of so very plausible a theory. Louis XIV authorized M. Colbert to establish those fabrics which that monarch afterwards, by his dragonades and by revoking the edict of Nantes, nearly ruined; while he, at the same time, by his persecutions, drove the most skilful artisans from France into England, Holland, and Germany. M. Colbert was one of the most honest and patriotic ministers of whom France can boast; but, unfortunately for his country, he became dazzled with the fallacious principle of forcing home manufactures by premiums, and by imposing duties on those of other countries. He encouraged, by large bounties, manufacturers to settle in France; he protected them by the most despotic laws, without ever considering that he was taxing the many for the benefit of the few,—that he was destroying that competition which creates cheapness and perfection in manufactures,—and that his bounties and duties* were taxes on the whole community, and especially on the agriculturists. To encourage the French West Indian trade he paid a premium out of the national treasury of 30 francs per ton upon goods exported to, and 50 per cent. upon every ton imported from, those colonies. He also established large bounties, which were imitated by England, on the fisheries. His system became exceedingly popular; its promised grandeur flattered national vanity; and neither the prince nor the people, nor M. Colbert himself, understood its fallacy. We shall hereafter, show how fully it has been persevered in down to this day, notwithstanding the changes towards liberal principles of commercial legislation, which have been boasted of both by the French and English press.

"England, under William III, who brought over and bequeathed to us the funding system, declared the French trade a nuisance, and laid a discriminating duty of thirty-three and a half per cent. higher duty on French silks and cambrics than the duty imposed on those of Holland. This was naturally pleaded by the French economists as a full justification of the war of prohibition declared against English fabrics. The latter, it is true, continued to thrive, and it soon became a favourite argument, urged until this day, among the continental advocates of high duties on, or the prohibition of, foreign manufactures, that England, in manufactures, commerce, and wealth, owed her prosperity to her legislation restricting or prohibiting the importation of foreign manufactures.

"They either did not understand, or would not admit, that England attained her prosperity, not by the aid, but in defiance, of

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* M. Colbert, however, did not establish the system of prohibition, and the duties he imposed on imports never reached the maximum of 10 per cent. *ad valorem*. He gave way to national prejudice, says Voltaire, in agreeing to discontinue the free trade in foreign corn.

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her illiberal commercial system, that England owed her wealth and power, and even her liberty, to her geographical position,—to her many commanding harbours,—to the vast power of production yielded by her mines of coal and iron interstratified, and conveniently disposed for cheap use and transport, and to the enterprising and industrious character of her people. England also escaped, on her own soil, the perpetual wars which devastated and prevented the manufacturing industry of the continental states of Europe; and although her taxation and her public debt have been carried to an incredible height, and her people compelled to pay far higher for maintaining existence than those of any other country, yet her earlier invention of more perfect machinery, especially of the steam-engine and spinning-jenny, and other circumstances which existed during war, enabled her, in defiance of Napoleon's wars and decrees—in spite of high taxation and dear food—to enrich herself so far as to bear all her war burdens. Her people were enabled to do all this, and to pay those high prices for bread and butcher's-meat, which served to yield high rents to the landlords of the United Kingdom; not by restrictive legislation, but by a most profitable carrying-trade, and by throwing her manufactures with great gain into all the markets of the world, while the industry of other countries was paralysed by the insecurity occasioned by desolating invasions.

"In time of war, the harbours of England gave her military and commercial fleets an incalculable advantage over those of continental Europe. Lying west of the Continent, the prevailing winds, which prevented foreign ships from putting to sea, enabled those of the east coasts of Britain and Ireland to leave their ports; those of the west coasts being at the same time safe, from their position, as well as from the protection of our ships of war cruising in and off the entrance of the English and Irish channels. Thus, while the nations of the Continent were disturbed in all their industrious pursuits, Great Britain enjoyed, from her geographical situation and commanding harbours, peace at home, and the opportunity of supplying the rest of the world with her domestic fabrics and the produce of her colonies. In defiance of the Berlin and Milan decrees, our manufactures found their way into the heart of Germany and Italy; while, even in France, we clothed the soldiers of Napoleon! Thus, although taxed beyond all possible calculation of endurance, the natural advantages of England, and the enterprise of her people, enabled her to withstand, in magnificent splendour, the convulsions that shook the Continent to its foundation.

"Peace for nearly thirty years has, however, transformed the destructive pursuits of most of the continental nations into occupations of productive industry. The great bulk of their population have, since the year 1814, been engaged generally in agriculture and grazing. Those employed in manufactures have therefore been enabled to maintain life at a lower cost than in a country circumstanced like England. The commercial laws of England, France, and, some-

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what later, of Austria, have been the most unsound that the spirit and principle of restriction could well devise. Those of Germany, formerly liberal, are now highly restrictive. Those of Spain were tyrannical, and at the same time unsound and absurd. Those of Portugal inconsistent and capricious. Russia much later adopted the restrictive system; Sweden and Denmark followed the example. The Italian States, with the exception of Rome and Naples, have generally imposed moderate duties. Holland has, since the peace of 1814, and while connected with Belgium, departed from a more free system than that of any other European country, with the exception of Turkey, in regard to the import trade. The present tariff of import duties in Holland, notwithstanding the high taxation in other respects of that kingdom, is the most liberal in all Europe. The United States of America have lately agreed to a most restrictive tariff, which cannot, if persevered in, but be ruinous to their fiscal, agricultural, and commercial interests. The South American States appear to be governed by the same spirit as that which dictated the commercial policy of Spain."

The impolicy of restriction is strikingly shown by Mr Macgregor in the case of Austria. The population of Austria is thirty-five millions, yet one-twentieth only, or about 1,750,000, are employed in manufactures, although with the especial object of encouraging native manufactures. The prohibitive system had been enforced from the days of Maria Teresa down to 1838. The natural resources of the Austrian Empire are equal to, if they do not exceed, those of any other state in Europe. Its surface embraces regions of production of the most varied character, yielding corn, rice, wine, oil, honey, wool, silk, hemp, flax, tobacco, with iron, coal, salt, and other minerals in great abundance. It has many seaports on the Adriatic, and an inland navigation facilitating the transit of commodities, by the Danube, and other great rivers, to every part of the empire. Austria might have been rich and powerful, but she adopted a policy which, by its indirect taxation, impoverished the nation, while it produced an empty and bankrupt treasury. The minister of Joseph II received the following instructions:—

"In order to bring forward indigenous productions, and to curb the useless growth of luxury and fashion, make public my orders concerning *the general prohibition of foreign manufactures.*

"By the consumption, almost exclusive, of foreign products, the Austrian trade has been rendered passive, and the *State* has lost, in consequence, twenty-four millions of florins per annum paid for foreign commodities.

"Until this time the government appears to have only had in view enriching French, English, and Chinese merchants and manufacturers, and to deprive the country of the advantages of which it

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would otherwise necessarily avail itself, by its own industry, to satisfy its wants."

It did not occur to the Austrian monarch that his subjects might possibly understand the maxim of "nothing for nothing," that florins were not parted with without getting something in exchange, and might, if wanted, be obtained back again by the same means; or that in prohibiting the purchase of foreign manufactures he was practically closing the market for native productions. The advocates of prohibition might convince themselves of the unsoundness of their own theory, if they would only carry out the principle to its *reductio ad absurdam*. "It is good," say they, "for a state, that industry should be protected." Protection is, then, good for all states, and equally so for all colonies. Let, then, all the world be protected, and with what result? Foreign commerce would, of course, be wholly annihilated. There would be no exports, because no country would admit of imports; no selling, because there could be no buying, except in the home market. Ships, for merchandise, would cease to be built, and the trade of the seaman would be at an end, or limited to the navigation of vessels of war, and a few pleasure-yachts and steamboats for the convenience of tourists; if the same policy, to be consistent, did not keep all travellers at home by a tax on absentees. Nations would have no interests in common, would hold no communications with each other, and each country of the globe would become a *terra incognita* to every other.

But there is still a better argument against protection, as far as it affects many branches of manufacturing industry—its impracticability. Absolute prohibition has always been a dead letter upon articles of convenient portability. The smuggler invariably and successfully defies it. Only commodities of heavy weight and bulk, such as marble, or wheat, requiring all possible facilities of roads and ports for transit, can be kept out of a country by prohibition; and *high* protecting duties and prohibition are alike useless upon articles of which the value lies in a small compass, admitting of easy carriage and concealment. With *low* protective duties the cost of the protection, in the shape of a preventive service, is often greater than the amount of supposed benefit conferred. The home manufacturer is not protected against the tax-gatherer, and buys too dearly the alliance of government.

But the contraband trade called into existence by restriction is the worst feature of the system. Smuggling puts an end to all honest and open dealing. It demoralizes a people, and to such an extent that a nation of smugglers can never hope to become a nation of merchants, manufacturers, or improved agri-

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culturists. The commercial and fiscal system of Austria has caused two national bankruptcies, and left the treasury so poor that in both instances when the cannon of the Austrian armies were taken, first by Frederick of Prussia, then by Napoleon, the guns could not be replaced for the equipment of fresh regiments. Men were always forthcoming, but never money.

"The contraband trade, which paid nothing to the treasury, but withdrew from it a large sum in the attempt to prevent fraud, was fiscally and morally injurious to Austria, while it, on the other hand, constituted a benefit as the only stimulus to manufacturing competition, and thus tended to keep down prices at something approaching a purchasable rate.

"All those who knew anything of the income and expenditure of the imperial treasury, the increasing annual excess of the latter during twenty-two years of peace, became clearly of opinion that about the time Prussia would, if necessary, pay off the whole of her national debt, the Austrian treasury must declare a third bankruptcy. Francis II, a paternal sovereign, but an enemy to all change, merely from his dread of evil consequences, died in 1835. Before his death it would have been next to impossible to have reformed either the financial or commercial systems of the empire. Prince Metternich and Count Kolowrat being left, in 1836, unfettered by the emperor, determined to do, fiscally and commercially for the empire, all they possibly could, opposed as they were and are by many of the *chefs* and nearly all the *employés* of the countless bureaux.

"A new commercial treaty with England was concluded,*—attempts to unshackle Hungary have been made,—and the principle of abolishing all prohibitions (salt only excepted) was established by an imperial protocol in February, 1838."

The details of the new tariff are given by Mr Macgregor, but the reader will best consult them in the work. The treaty was accompanied with some important modifications of the quarantine laws, and a privilege was secured by it, which we have not as yet obtained by any other treaty, namely, "that of admitting British ships, with their cargoes, from all countries, into Austrian ports, on the same footing as Austrian ships with their cargoes."

"Towards the end of the year 1836, the Chamber of Commerce and the Austrian shipowners of Trieste remonstrated against what had been allowed by sufferance to British ships, without any equivalent to Austrian vessels, viz., the occasional admission of British ships with their cargoes from other than British ports. The

* Baron Neumann on the part of Austria, under Prince Metternich, and Mr Macgregor on the part of England, under the British Ambassador, Lord Beauvale, were the commissioners who negotiated the details of this important treaty.

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Austrian Lloyd's Steamboat Company at Trieste also remonstrated, in strong terms, that the cotton which they found in Alexandria, and some articles which they took on board in the Levant, and which they carried to Trieste, could not afterwards be shipped to England in Austrian ships. These remonstrances were made with such apparent justice, and with petitions against admitting British ships with their cargoes into Austrian ports, from other foreign ports than British, that it was resolved to allow to British navigation no other privilege in Austrian ports, than would be accorded to Austrian vessels in English ports. This occurred in 1836.

"It was the circumstance of Lord Aberdeen's convention being about to expire, and the threatened prevention of British ships arriving in Austrian ports with their cargoes from other than British ports, that brought on the negotiations which have established by treaty what no previous treaty contains: namely, securing by stipulation to British ships the direct trade and navigation from all countries to Austrian ports, and only giving in return (see Article 5) the privilege of carrying the produce of Asia and Africa, which had been brought first to Austrian ports, from the latter to British ports, in Austrian as well as in British vessels, and what may be considered a small extension of privilege with respect to Austrian ships and their cargoes, arriving from the Danube at British ports. This was, however, negotiated with the view, at the same time, of opening a new field for British trade.

"To show the advantages resulting from the stipulations of the 5th article, it may be observed that the whole number of British ships which arrived in Austrian ports with their cargoes, the year previous to the treaty, viz:—

"In 1837, were 95 vessels of 17,388 tons; of which 25 vessels, of 4,805 tons, came from foreign ports.

"In the two following years, since an understanding has been established, viz., in 1838, 164 ships of 28,669 tons; in 1839, 147 ships of 27,966 tons.

"Of the 164 British vessels which arrived in 1838, 67, measuring 13,342 tons, arrived from ports not British. Of the 147 which arrived during the year 1839, 59 arrived from foreign ports (not British), measuring 11,570 tons.

"The 27,966 tons of British shipping employed in 1839 were manned by 1368 seamen.

	£.
At the average wages of 2*l.* each per month—2,736*l.*; or per annum	41,040
The value of freights, out and home, is estimated at least at	165,000
Add original invoice price of cargoes, by British vessels, into Trieste, &c.	879,733
Add average profit at 20 per cent. . . .	175,548
And indirect freight—say	50,000
Total value . .	£1,341,132

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"To the further advantages of this trade may be added value and profits of cargoes imported from Trieste, &c. into the United Kingdom. Also freights and values of cargoes to which the trade gives a demand, as that to Newfoundland, Brazil, Cuba, &c., to which vessels proceed from the United Kingdom with merchandise to sell, and receive freights of fish, sugar, coffee, &c., to carry again to the markets of Austrian ports.

"We have no official returns in England to show how very important the trade in British produce and manufactures into Austria, by the Elbe and the Rhine, has become; yet, from information given us, taken from returns kept by the General Department of Customs at Berlin, where a regular account is registered of merchandise arriving in the states of the Germanic Union of Customs, and of such as is passed *in transitu*, or sold in bond, to be passed into other countries, of which Austria receives a very large proportion,—we are enabled to state that a large share of the merchandise exported from the United Kingdom to Germany, Holland, and Belgium, now enters the dominions of Austria by legitimate as well as by illicit trade."

Spain affords an instance upon a great scale of the pernicious and ruinous effects of a system of trading exclusion persevered in to the present moment. The surface of Spain is one-half greater than that of the United Kingdom, and its commercial legislation was based upon the principle of securing within herself all the elements of luxury and wealth, excepting those which she derived from her colonies, the loss of which was therefore at once the loss of all her foreign commerce. Her rulers laboured under the common delusion that the elements of wealth were the precious metals, and that the greatest evil to guard against was their draining away from a country in the purchase of foreign commodities. Prohibition, however, did not effect the object. The precious metals disappeared; Spain is now the most impoverished of the great powers of Europe, and her present and past state of disorganization may be distinctly traced to the lawless habits of a large portion of the population trained to armed smuggling:—

"Smuggling is so completely organized, that there are estimated to be 100,000 armed men engaged in it; and in all, it is estimated that more than 300,000 grown up persons have scarcely any other occupation but the contraband trade. The cotton manufacturers themselves, and several members of the Cortes, are represented as being the most actively engaged in this demoralizing traffic."

M. Marliana, in his valuable work on the prohibitive system, quoted by Mr Macgregor, relates the following anecdote to show the inability of the Spanish government to put down the evil while it persists in following the same commercial policy.

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"Don Juan Prim, inspector of the Carabineras, gave information to the government, and the direction of Customs at Madrid, on the 22nd of November, 1841, that he attempted to make a seizure in the town of Estepona, in the province of Malaga, where he was aware a large quantity of smuggled goods existed, and that he entered the town with a force of carbineers and troops of the line. On entering, he ordered the suspected depôt of goods to be surrounded, and gave notice to the second alcalde of the town to attend to assist him in the search. In some time the second alcalde presented himself, and, at the instance of M. Prim, dispersed some groups of the inhabitants who had assumed a hostile attitude. In a few minutes after, and just as some shots were fired, the first alcalde of the town appeared, and stated that the whole population was in a state of complete excitement, and that he could not answer for the consequences; whereupon he resigned his authority. While this was passing, about two hundred men, well armed, took up a position upon a neighbouring eminence and assumed a hostile attitude. At the same time a carbineer, severely wounded from the discharge of a blunderbuss, was brought up, so that there was nothing left for M. Prim but to withdraw his force immediately out of the town, leaving the smugglers and their goods to themselves, since neither the alcaldes nor national guards of the town, though demanded in the name of the law, of the regent, and the nation, would aid M. Prim's force. He enumerates places in Murcia, Valladolid, &c., where the whole population, including the parish curates, were engaged in smuggling."

The present state of manufacturing industry in Spain is shortly described in the following summary:—

"The manufacturers of Spain, though said to have been in a state of great prosperity and perfection in the 14th and 15th centuries, never have been, according to the best authorities (Capmany, among others), in a flourishing condition, notwithstanding the abundance of minerals, and of wool and silk. Restrictions under the worst of governments, the most haughty of grandees, and the most darkly cruel, intolerant of churches, have been the cause of the backward state of manufactures, as well as of agriculture and of all branches of industry in Spain. Exclusive of the cotton manufactures of Catalonia, there are some silk fabrics at Barcelona, Valencia, and a few other towns, and a few common woollens and linens, in various provinces; all produced at high prices. Soap is generally made for home use. Some hardwares are made in the towns, especially in Asturias, and the iron of Biscay is of good quality. Its cost is, however, very high. There are numerous common tanneries in the north provinces; firearms and swords are also made in several towns. The government monopolises the manufacture of brass cannon, saltpetre, gunpowder, tobacco, porcelain, looking-glasses, and tapestry; all these monopolies are carried on at a loss. There are common brandy distilleries; and the wines of Spain (which see hereafter), are among the most advanced branches of industry.

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Cordage is made of esparto rush in several places. In Aragon there are a few declining silk manufactories, at Saragossa, &c., and also some cemmon woollens, linens, paper hats, earthenware, and articles of leather. Segovia and some other places, as Castile, have some woollen manufactories, but they have also declined; and the other fabrics of Castile, such as silk stockings, gloves, glass, and coarse linens, are unimportant. Canvass, cordage, and hats are made at Comino, where there is a royal cigar monopoly. In Gallicia there are made a few coarse linens and woollens. In Granada there are also made a few coarse woven goods, paper, &c. In Leon and Valencia, common hardwares, woollens, and linens are made for their own use by the townspeople and peasantry. If we include the whole manufacturing industry of Spain, and compare its value with the evils which the laws for its assumed protection have inflicted on the country, it sinks far below contemptibility in its amount. The greater part of what is evil in the character of the labouring classes, may be traced, closely or remotely, to the contraband trade, as well as to the corruption and tyranny of a government at all times the worst of Europe."

The fifth section of the work, and perhaps the most instructive of the whole, is devoted to the agricultural, commercial, manufacturing, and financial statistics and legislation of France. The evils of legislative interference and restriction are shown in France, both in the state of its manufacturing and agricultural industry. Prior to the first revolution a system of corn laws prevailed, by which France was divided against itself. The free circulation of grain was prohibited, and the wheat grown in a fertile department was now allowed to compete in the same market with the wheat-grower of a less productive district. Had the same system prevailed here, an Essex farmer would not have been allowed to sell his corn in Kent. It operated of course as a sacrifice of the natural resources which a wise policy would have sought to develop, and as a premium for the encouragement of inferior husbandry. The home market is now free, but French agriculture has still to struggle against an oppressive disadvantage in the monopoly of the iron interest. The superiority of English cultivation may be partly attributed to the comparative cheapness in this country of ploughs, harrows, and all kinds of iron agricultural implements, all of which are costly in France.

"*By estimates much under those made by the late Duc de la Rochefoucault and others, of the annual wear of the iron of ploughs and of harrows in France, and calculating the difference between the average prices, for ten years, of iron in that kingdom, and the prices at which for the same period English iron would have been sold and delivered in France (if not restricted by high duties), we find that by a*

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very moderate calculation the agriculture of that kingdom is taxed forty millions *of francs annually to maintain the proprietors of iron mines and foundries, and the proprietors of woods used in making charcoal. M. Annison, an unprejudiced deputy, has estimated this tax, in his* 'Examen de l'Enquête sur les Fers,' *at* 49,522,000 *frs., or nearly two millions sterling.*"

A brief historical introduction explains the present state of manufacturing industry in France, and the spirit of its commercial legislation.

"Sully admitted no honourable or profitable branch of industry except agriculture, and the French economists accuse him of having, in consequence, sacrificed the manufactures of France, which were at that period in a more flourishing state than those of England.

"Louis XIV, however, by revoking the edict of Nantes, and consequently exiling to England and other countries the most numerous classes of French artisans, occasioned the decline of national manufactures far more effectually than the preference which Sully attached to agriculture.

"Colbert adopted an opposite course, and beheld in manufactures only the great source of national riches. Premiums, monopolies, and the protective system were established by Colbert. The national treasury was drained by him to establish monopolies and companies beyond the seas. In Africa, India, and America, monopoly and war destroyed those factories; and the manufactories of France, which were maintained by artificial means, languished like crazy opium-eaters, from whom the exciting stimulant is withheld.

"*The eminent natural advantages of the soil* and climate of France, and the ingenuity, taste, and industry *of her people, under the blessings* of a long peace, and in opposition to various *legislative premiums, restrictions, and prohibitions,* enabled manufactures to flourish to an important and, in many respects, perfect extent. Each interest, however, agricultural and manufacturing, and every branch of each of those interests, with the exception of the silk manufactures of Lyons, have ever been, and continue to be claiming protection."

The first French revolution interrupted for a time the restrictive policy; but in the commercial relations of France with other countries, it was quickly restored, first as an element of warfare, and afterwards in the guise of protection. A decree of the 18th Brumaine, year 5th, carried the aggressive spirit to the extent of violating the neutrality of neutrals by causing all vessels without distinction to be seized, found in a French port with English goods on board. The Berlin decrees of Napoleon sought at a subsequent period to carry out the same object on a grander scale, but without success. They only united against the greatest conqueror of modern times the whole commercial community of Europe. His downfal was the favourable moment in which the

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commercial interests of the whole European community might have been placed upon a sound footing, but the object was not appreciated or understood. The allied sovereigns treated the war with Napoleon as a personal quarrel, and England replaced the Bourbons on the throne to continue between the two countries, as far as was practicable, the same war of material interests. The tariff of the restoration in 1816 doubled the rate of duties on very numerous articles, and maintained all the prohibitions established in 1793, and by the law of the 10th Brumaine, year 5. In 1836 this tariff underwent some important modifications, but without any departure from the principle of protection; and in 1842 France and Belgium united in a measure, formally directed against England,—that of doubling the duty upon linen yarns. M. St Ferréol, in a work to M. Greterin, director-in-chief of the administration of customs, describes the French Chambers since 1791 as invariably opposed to low duties, excepting upon the raw material required in manufactures, and the following as a maxim of state policy from which the government has never deviated:—"*To consider as a principle that in all treaties to be negotiated with England, most of the conditions which she will propose are those which we ought to avoid.*"

There is little doubt that this has now become the maxim of most of the continental governments, for the anxiety we have lately evinced to open new markets naturally leads to an impression that the advantage sought is one to be confined to ourselves. The wise thing to do would be to give up all attempts at negotiation, and throw open our own ports without stipulation. *An export interest* would then spring up on the continent that would negotiate for itself the terms upon which our goods should be received in payment, or that would give such a stimulus to the contraband trade that no government could effectually resist. Admit, for example, French wines at an *ad valorem* duty of 5 per cent., and how formidable a party would it organize in France to clamour for the admission of English cutlery, or to strengthen the bands of the smuggler! Without any such stimulus, Mr Macgregor observes that "the contraband trade into France is carried on to an incredible extent."

"Some estimate may be formed of the contraband trade into France from the quantities of various goods seized as published in the annual accounts of the French customs. The proportion seized to the quantity that escapes into France is considered as less than 5 per cent. of the whole: yet the variety of articles seized is remarkable, comprising, among others, many articles, the importation duty on which does not exceed 8 or 10 per cent; showing that even this duty affords a premium to the smuggler. The articles seized are

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classified much the same as in the tariff; viz.—1. Living animals: among which horses, sheep (about 500 to 800 annually), and even oxen, bulls, cows, calves, hogs, poultry, &c., figure. 2. Prodnce of animals, as fresh and cured meats, skins, wool, hair, butter, cheese, eggs, &c. 3. Fish, especially sea-fish. 4. Grain and flour, pastry, &c. 5. Fruits and oil seeds. 6. Sugar, coffee, chicory, tobacco, especially manufactured tobacco, &c. 7. Oils, especially olive oil. 8. Medicines. 9. Wood, even firewood and charcoal. 10. Dye-woods and tanning bark. 11. Hemp, flax, and cotton wool. 12. Dye-stuffs. 13. Hops, bulbs, roots, and rags. 14. Stones, slates, and coal. 15. Bar and cast iron, and other metals. 16. Chemical products. 17. Prepared dyes and colours. 18. Refined sugar, soap, and perfumeries. 19. Rhenish wines, liqueurs, &c. 20. Porcelain and glasses. 21. Linen, cotton, and woollen yarns. 22. Linens, cotton and woollen cloths. 23. Articles made of paper. 24. Various articles., as haberdashery, lace, cutlery, tools, Leghorn hats, clockwork, &c. &c.

"Smuggling is chiefly carried on by organized associations on the frontiers. Dogs and horses, chiefly dogs, are the carriers; premiums are paid annually for shooting or taking the dogs so employed, and many are shot or taken: but as there is no decrease in the number, it is evident the contraband trade will continue so long as high duties and prohibitions render smuggling, with all its risks and penalties, still profitable. The insurances on the introduction by sea are at higher rates than by land; and the risks consequently greater.

"English manufactures are chiefly smuggled in bales, packed for clandestine introduction, weghing from 70 to 80 lbs., and of the value of about 50*l.* sterling: woollen stuffs in packages of sixteen pieces, weighing from 80 to 90 lbs.

"The principal contraband trade in English goods for the French market is along the northern land frontier, and depôts of them are established at Cambray, St Quentin, Ypres, Tournay, Mons, and other towns in the north. There are three lines of land custom-houses; but it has been usual on the introduction of the English articles, to stamp them at the frontier towns with the names of French manufacturers before they are sent off to the interior; and when so stamped the additional charge is 4 per cent. for delivery within the walls of Paris. A large portion of the sugar, coffee, and other bulky colonial articles which are consumed along the frontier, are introduced clandestinely; these, tobacco excepted, are not often conveyed to the interior. Belgium gives on refined sugar to be exported a premium beyond the amount of duty paid on the raw articles, and a double fraud is often committed: the same sugar returning again and again to Belgium, and receiving the premium on each exportation."

The present prosperity of France is owing in great part to the principles which she repudiates, but has allowed since 1788

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to be carried out in her internal administration. She closes her ports, but her home trade is free. The restrictions upon the commercial intercourse of the north with the south have been abolished, and thirty years of peace have developed the vast resources of her soil. France therefore prospers in spite of external restriction, and is likely to continue to do so. Germany, with equal jealousy of England, has opened for itself a wide field for commercial activity in the free-trade confederation of Prussia and the smaller states known as the Zoll-Verein. This celebrated League was undoubtedly promoted by Prussia for political objects, but its effects have been in the highest degree favourable to the material interests of that part of Germany embraced by the confederation, which has abolished all the fiscal restrictions that formerly affected the interchange of commodities among a population of 27,000,000.

A minute account of the Zoll-Verein, historical and statistical, is given by Mr Macgregor, who, as the British representative, attended the congress of deputies at Munich and Dresden in 1836 and 1838; but our extracts here must be brief.

"This commercial union is, in fact, purely Germanic. The inconvenience of numerous customs-barriers, formed not only impediments of the greatest injury to the national commerce and manufacturing interests of the several states, but the expense of maintaining a multitude of guards to prevent smuggling, and to secure the taxes levied upon commodities, was enormous, in proportion to the revenue collected, while the moral effect was at the same time exceedingly pernicious.

"The maintaining numerous lines or circles of customs necessary to secure any revenue from commodities entering or passing through the several small states of Germany, was found attended with such grievous inconvenience and expense, that in 1826 Saxe-Weimar-Eisenach, Saxe-Coburg, Saxe-Gotha, Saxe-Meiningen, Saxe-Altenburg, Schwartzburg-Sonderhausen, Saxe-Rudolstadt, Anhalt-Dessau, Reuss-Schleitz, Reuss-Greitz, Reuss-Lobenstein-Ebersdorf, with a total population of 894,778, entered into a union for a general line of customs-barriers to surround their extreme frontier; and, after deducting the whole expense of collection, to divide the net revenue arising from the duties thus collected on the importation or transit of foreign commodities among the several states, in proportion to the respective population of each.

This first union, which Prussia did not certainly originate, was called 'Der Mittel Verein,' or Central Association of Thuringia. In April, 1827, and January, 1828, Bavaria and Wurtemberg joined in a union of customs, with the view of not admitting any, except the small states enclosed or partly enclosed within those kingdoms, into the association. The duties in the tariff of this second union were, on woollens as high, and on many other articles nearly as high as those in the Prussian tariff.

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"Overtures were then made by Prussia to all the states of the Germanic Confederation, inviting them to join in one general union of customs, adopting her tariff for the whole. * * * The kingdoms of Prussia, Bavaria, Wurtemberg, and Saxony, with Hesse-Darmstadt and Hesse-Cassel, signed on the 22nd of March, 1833, the celebrated convention styled the 'Zoll-Verein, or Union of Customs;' the net revenue of which to be divided among the several states, strictly in proportion to the numbers of their respective populations.

"The Thuringian and other states which had not previously joined, except Lübeck, Bremen, Hamburg, and Mecklenburg, which had not joined, amounted to about 3,285,000. In 1841 Brunswick and Lippe-Schaumberg entered the league, and Luxemburg also joined in January 1842.

"At the congress of the delegates from the several states of the Union held in the summer of 1836 at Munich, on the settlement of the general customs account, the expense of collecting the revenue of the states of the Union was found to be about 15 per cent., and the division of the net revenue was fixed in the following proportions:—

Out of every 100 Thalers (dollars)

Prussia to receive	$54\frac{56}{100}$
Bavaria	$16\frac{24}{100}$
Saxony	$6\frac{26}{100}$
Wurtemberg	$6\frac{49}{100}$
Hesse Electoral	$3\frac{7}{100}$
Hesse Ducal	$2\frac{55}{100}$
Baden	$4\frac{1}{100}$
Nassau	$1\frac{42}{100}$
States of Thuringia	$3\frac{52}{100}$
	100 Thalers.

"The fixed permanent allowance to Frankfort for a population of 60,000, to be deducted from the whole.

"It may also be remarked that in the annual and triennial congress of delegates from the several states of the Union, which the convention provides shall meet for settling the accounts, agreeing to alterations in the tariff, &c., Prussia has only one vote like each of the other states. This was discreetly and gratuitously offered by Prussia to avoid wounding the dignity of the other sovereigns of the League.

"By looking at the geographical position of the several states of this Union, it will be seen that many of those have now no customs' frontier, and all the others, with the exception of Prussia, not half their former frontier, to guard against smuggling, or along which to maintain custom-houses; while all receive an equal share of the revenue collected on goods entering along the general line of boundary.

"The consequence is, that Prussia has sacrificed about two millions of dollars annually to the revenue of the other states, exclusive

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of fiscal loss sustained by the consumption of smuggled goods introduced along the Rhine and across the Lake of Constance, into Baden, Wurtemberg, and Bavaria.

"All the Thuringian states, Wurtemberg (except for a few miles along the Lake of Constance), Hesse Ducal, and Hesse Electoral, Nassau, and Frankfort, have no custom-house expenses whatever, except for warehousing. The treasuries of all, except Prussia, receive a much larger amount of customs' revenue than formerly, with the expense of collection so greatly reduced. All financiers know well the difficulty of replacing a once-established chief source of revenue. But an adjustment of the revenue as nearly as possible according to consumption will be soon attempted, and, in all probability, with success, by the delegates of the several states. It must now be evident to all that the spirit and object of this confederation have been to unite and strengthen Germany as one great nation, by throwing down those barricades of material warfare, and of international intercourse—the numerous lines of customs and customs' officers, which previously belted every large and petty state in Germany, and the removal of which has laid open an uninterrupted intercourse from the frontiers of France and Belgium to thos of Austria and Russia—from the Alps to the Baltic.

"These states have therefore established a free trade among themselves. The commodities of the one are interchanged for those of the other, without the payment of duties; and more than all, the free opportunity of interchanging ideas, and of receiving intelligence, is afforded and promoted, when passing to and fro, for the purpose of interchanging commodities: all these circumstances constituting the greatest material, moral, and civilised blessings ever enjoyed by the German people.

"With the feeling of convenience and interest experienced by the subjects of the other states, reposes the secret of Prussian power and influence over Germany, and of making the necessary fiscal changes in the distribution of the duties: with this power, Prussia might safely reserve to herself but one vote among the states of the Union."

We have left ourselves no space for further comment, or we would willingly have extended this notice of a work, in which the most important statistical facts illustrate the soundest principles, to a complete analysis of its contents. We have said, however, enough to recommend it to the reader, and in so doing we discharge but a small portion of the obligation imposed upon every public writer by the invaluable labours of Mr Macgregor, and his able advocacy of commercial freedom. E.

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ART. IX.—1. *The Public and Private Life of Lord Chancellor Eldon, with Selections from his Correspondence.* By Horace Twiss, Esq. Q.C. 3 vols. London: John Murray.

THE history of the successful career of an English lawyer is always interesting and sometimes instructive. There is something of the spirit of romance in his early and painful struggles for mere subsistence, and we follow with anxiety all the various chances of his chequered fortune. We trace with eager curiosity the foundations of his success, slowly laid by laborious and patient study:—We sympathise with the hopes and fears of the adventurous youth as he boldly prepares himself for the arduous contest in which he is about to engage:—We see his sanguine expectations dashed in manhood by cold neglect, and his ardent spirit pining in what he begins to believe a hopeless obscurity. He is now on the brink of despair and failure. A lucky accident raises him from despondency and neglect; the tide suddenly turns in his favour; his exertions are redoubled; his rewards and his success increase; till at last, steadily advancing, he triumphantly grasps the honours of his profession, becomes at once an important functionary, engaged in the great business of a great nation, and finds that the dull drudgery of his youth has been the fortunate means of lifting him from a lowly condition—not unfrequently, indeed, from great want—up to the high places of the people; and that wealth, and honour, and ease, await the close of that career which, in its commencement, was attended by poverty, hidden in almost impenetrable obscurity, and doomed to severe and unremitting labour. All these difficulties have apparently been vanquished by individual exertion, and the rewards appear the merited return to industry and unflinching perseverance. To the multitudes who read but for amusement all this story is exciting, and therefore amusing; its very reality gives it a charm greater than any which belongs to fiction, and the "every-day" character of the incidents brings it so near to our homes as to make the tale a portion almost of our individual history. But there is far more to be learned from this history of an English lawyer's success than the mere routine of every-day life. The secret of that success is connected with the most intricate workings of that most complicated machine, our social and political system. It is not labour, and worth, and capacity alone that conduct to ultimate triumph; "the race is not always to the swift, or the battle to the strong."

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Mediocrity is often successful when the most untiring patience and labour are unable to rescue the greatest capacity and genius from hopeless obscurity,—and a severe and scrupulous morality has but too often to yield pre-eminence to that pliant usefulness which is ever ready to perform what wealth and power command. In a scene so complicated as that in which a lawyer has now to move, various indeed are the ways which lead to fortune; and we would fain hope that the qualities, mental and moral, which during the last age were necessary to the attainment of the higher rewards which the profession holds out are not now absolutely demanded.* We would believe that a purer morality, a more exalted tone of feeling, prevails among public men generally, and that they who, like distinguished lawyers, are placed in the full blaze of notoriety, must be influenced by the improved modes of thought and feeling which are now prevalent among the world at large. Of the future, however, we cannot speak but with conjecture,—of the past, the certain evidence is before us; and in the 'Life of Lord Eldon,' as written by his admiring biographer, we have an admirable picture of the lawyer of the last age. Lord Eldon appears as the representative of his class. The character of the man, whether viewed morally or mentally, is the true type of the race to which he belonged; and a rapid glance at his history, as written by Mr Twiss, will induce in us a vivid conception of the difficulties which in that age had to be overcome, and of the qualities which could then place a man of no extraordinary ability at the very head of his profession, and make him for many years the chief ruler of the State.

The tale, in itself interesting and instructive, has lost none of its attractions from the manner of the biographer. Mr Twiss, indeed, has written with a strong bias in favour of his hero; and his own political opinions necessarily affect many of the judgments he passes on men and things. These opinions are diametrically opposed to those which we deem correct; but they never to us appear put forth unfairly or offensively; while his partiality to the subject of his story gives animation and interest to the whole narrative. A cold and scrupulous biography,

* A late appointment to the judicial bench, that of Mr Erle, makes us hope that a death-blow has been given to that system of legal appointments which was the disgrace of the late Administration. Neither party feeling nor party convenience has had any influence in raising Mr Erle to his present high office; and Sir Robert Peel, by disregarding all such considerations, and looking only to the legal qualifications of the various gentlemen from whom he was to make choice, has done great honour to himself and his Administration, and has also set a wholesome example, from which no future Minister will be able safely to depart.

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written without passion or kindness, may be perhaps very instructive, but is, nevertheless, seldom agreeable. A carping, snarling, or hesitating friend seems always an insidious enemy, and you read with doubt and suspicion what has been written without generosity or good will. On some of the opinions expressed by Mr Twiss we shall hereafter have to animadvert; but viewing his work as the history of a celebrated man, by a friend and admirer, it deserves liberal commendation. Great industry and great fairness are shown throughout; while the open and candid avowal of old-fashioned Toryism, in these days of evasive Conservatism and unintelligible liberality, gives every reader at once to understand what he has to expect,—puts him on his guard as to all the judgments he meets with,—and conciliates his favour by setting him at his ease.*

John Scott, Earl of Eldon, and Lord Chancellor of England, was the son of Mr William Scott, of Newcastle, really a tradesman of that town.

"His residence," says Mr Twiss, "was at Newcastle, and his principal business was that of a coal-fitter. The coal-fitter is the factor who conducts the sales between the owner and the shipper, taking the shipper's order for the commodity, supplying the cargo to him, and receiving from him the price of it for the owner; and this employment, as it involves considerable trust, is of proportionate respectability."

Neither Mr Twiss nor Lord Eldon's descendants have been satisfied with this plain and true statement, but have endeavoured, idly enough, to make out a noble genealogy for the Chancellor by connecting him with the Scotts of Balweary.

"The family of Lord Chancellor Eldon appears to have branched from the Scotts of Balweary; and accordingly, soon after his elevation to the peerage, the arms of the Scotts of Balweary, with certain

* Every biography is, or ought to be, a collection of anecdotes. The three volumes before us contain a large body, grave and gay, chiefly, indeed, professional, but necessarily, from the various positions in life occupied by Lord Eldon, extending to other and multifarious subjects. The delicacy of modern manners, we suspect, has robbed many of them of their original flavour; and, as they now stand, they hardly body forth, as they might have done, the days of our fathers and grandfathers. This is too much like taking the portrait of a sloven, after the manner of a regular portrait-painter: the old coat, worn-out hat, the ill-tied neckcloth, the hair and beard, all in disorder,—all, in fact, that is characteristic of the man, disappear, silk and velvet, smooth and decorous, take their place, and we have a dapper picture, without spirit or truth. The coarse sketch, dashed off without a scrupulous regard to decorum, is a better likeness, and tells a truer tale. Yet, at the present time, we hardly know how the difficulty before Mr Twiss could have been avoided.

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honourable augmentations, were granted and confirmed to the descendants of his father."—P. 21, vol. I.

For this assertion there is not a shadow of evidence; and Mr Twiss, wisely content with making it, does not attempt to support it by any proof. The name of Scott (a very common one) was held by a certain ancient family of Balweary, and also by certain persons of the present time in Newcastle: therefore the latter are descendants of the former. This is the pedigree. "There is a river in Macedon," &c.

William Scott, however humbly descended, was destined in his descendants to be doubly ennobled. His eldest son, William Scott, was afterwards the justly celebrated Lord Stowell; and John, his eighth child by his second marriage, was the more known Lord Chancellor Eldon.

Lord Eldon characteristically states of himself:—"I was born, I believe, on the 4th of June, 1751." It appears from the register of the parish church of All Saints, Newcastle, that he was baptized on the 4th of the following July.

Although Mr Scott's condition was humble, his means, for his position, were ample. The education of his children was thus fully provided for and carefully conducted. In Newcastle, as in so many other towns, a free grammar school had been established by private munificence during the early years of the Reformation. In the years 1525 and 1533, Thomas Horsley, Mayor of Newcastle, founded a Hye School, "to be free for any within or without that town." This became, during the reign of Elizabeth, a Royal Grammar School, and at the time when the young Scotts received their education there, it was conducted by the Rev. Hugh Moises, a worthy and efficient teacher. Of the advantages derived by himself and brothers from this excellent instructor, Lord Eldon ever after retained a grateful remembrance.

William Scott, his elder by five years and a half, having by accident been born, not in Northumberland, but in Durham,* was enabled, in consequence, to stand for a scholarship at Corpus Christi College, Oxford. This was gained by young Scott. At nineteen years of age he was elected Fellow of University College, and before he was twenty was appointed a college tutor.

This extraordinary success, on the part of the elder brother, led to John's also finishing his education at Oxford. His father intending to make John a coal-fitter, like himself, informed his

* On the advance of the Pretender's army to Newcastle, Mrs Scott, being then with child, retired to the country-house of Mr Scott, situate in Haworth, in Durham, where she was confined, and brought forth twins, the elder of whom was William, afterwards Lord Stowell.

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son William of his determination. William objected, saying: "Send Jack up to me, I can do better for him." So Jack was sent to Oxford, and placed under the care and guidance of his fortunate and highly instructed brother. Under this excellent instruction he made great progress, and in a little more than a year after his arrival at the University, in July, 1767, he was elected a fellow of University College. He was at this time sixteen years of age.

In the 'Anecdote Book'* Lord Eldon, after adverting to the circumstances of the rebellion [of 1745] which occasioned Mrs Scott to leave Newcastle for the adjoining country, when about to give birth to William, says:

"His birth in the county of Durham qualified him to be a candidate for the fellowship in Oxford, which he afterwards obtained. His influence in that station procured for me the fellowship in Oxford, which I afterwards obtained. To both, these fellowships were of great use in life, and in our future success in it. We owe much, therefore, to what it is to be wished nobody should profit by, viz., Rebellion."—P. 51, vol. I.

The next important event in the life of the future Chancellor, was his marriage with Miss Elizabeth Surtees, in the year 1772, she being only eighteen, and he twenty-one years of age. With the true perversity of love, young Scott's choice was nearly a penniless beauty, and he had nothing. They had faith, however, in good fortune, and believed that their parents, who were in reality well able to assist them, would not allow them to suffer many of the ills of poverty. On the 18th of November, 1772, young Scott ran off to Scotland with his confiding mistress, who stole by night from her father's house, descending from a window by a ladder. They travelled all night, and were married the next morning at Blackshiels, by a minister of the Scottish church, and next day found themselves, like runaway children, far from home, without a penny in their pockets. This imprudent step led indeed to important results, being, in fact, the immediate cause of the change in Scott's purposes in life, forcing him to the bar, and thus compelling him to enter upon a career which ended in the highest honours, and great possessions. The chances were, however, against so happy a result, and we can easily understand how the parents on both sides were alarmed by the precipitate proceeding of their children. It appears that, although John Scott's family were aware of the mutual attachment existing between him and

* "A manuscript book of anecdotes and observations, noted down by Lord Eldon himself, in his later years, for his grandson's use and amusement."—Preface, p. 7.

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Miss Surtees, the lady's relations had no suspicion of what was about to happen. The father of Miss Surtees was at that time in a position superior to that of the Scotts, and his wealth was supposed to be much greater than that of the coal-fitter. There is now reason indeed to believe, that the humbler was the richer man, and that some of the objections felt to the marriage by the family of Miss Surtees arose from the necessity which thereby arose of making provision for her. Such, at least, was old Mr Scott's opinion.

"The father of the bride was so much displeased, that for some time he would not even speak to the bridegroom's father, with whom he had been on friendly terms. The latter, who had an impression that Mr Surtees was not really a man of so large a fortune as he wished to be thought, and that he was willing to part with but little of what he might really possess, went up to him one day on the Exchange, saying: 'Mr Surtees, why should this marriage make you so cool with me? I was as little wishful for it as yourself, but since what is done cannot be undone, for every hundred pounds you put down for your daughter, I will cover it with another for my son.' 'You are too forgiving, Mr Scott, you are too forgiving,' was the answer; 'that would be rewarding disobedience.'"—P. 78, vol. I.

The fortune of the young couple was certainly slender, but we very much suspect the early difficulties and poverty of the successful lawyer to have been in after years unconsciously exaggerated by himself, from a desire to impart an air of romance to his early struggles, as well as to enhance his own merit in resisting, and ultimately overcoming, all the obstacles which lay in his path to fortune.

"On the 7th of January, 1773, Mr Surtees and Mr Scott entered into articles, to which the young couple were parties, and by which Mr Surtees covenanted to pay Mr John Scott 1,000*l.*, as the portion of his daughter, with 5 per cent., until payment: and certain trusts were therein declared of a sum of 2,000*l.*, for which Mr Scott had given his bond to the trustees as the portion of his son. Some years afterwards, on the 17th of August, 1781, another instrument was executed, by which Mr Surtees bound himself to pay a second portion of 1,000*l.*, in addition to the like amount settled by him in the before-mentioned articles. Each of these two sums carried interest at 5 per cent."—P. 81, vol. I.

On the death of old Mr Scott, in 1776, his eldest son, William, according to Lord Eldon's own account, became possessed of between 24,000*l.* and 25,000*l.* John had an additional 1,000*l.*, so that his estate at this time was 4,000*l.*, and was in 1781 increased by the 1,000*l.* paid by Mr Surtees, thus making it 5,000*l.* William Scott was ever a kind and generous brother,

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so that we can hardly believe any of the more direful ills of poverty to have visited the abode of the young people. When surrounded by all the appliances which great wealth and great power could supply, the scanty income of his early days must have appeared to Scott more scanty than it did when youth and love gave him power to face and to conquer the difficulties before him.

His marriage forced Scott to give up his fellowship, and thus precluded him from all chance of preferment in the church. Had any living fallen vacant, however, during his year of grace, his intention was to enter the church, and take the preferment. The year passed away without any such fortunate accident as he would then have believed it. He had entered as a student of the Middle Temple, in January, 1773: on the 13th of February of that year, he took his degree of Master of Arts. In November of the same year his fellowship was given up, and he was obliged steadily to apply himself to the law as a profession.

"I have married rashly," said he, in a letter to a friend, "and I have neither house nor home to offer to my wife; but it is my determination to work hard to provide for the woman I love, as soon as I can find the means of so doing."

During this time he experienced great kindness from several of his friends, and was enabled by the interest of one of them, to have apartments in New Inn Hall, at Oxford. He, while a student, also lectured on law, as deputy for Sir Robert Chambers, the Vinerian professor, "and for this service he appears to have had 60*l.* a year." Lord Eldon, in after years, was accustomed to relate the following story respecting his first appearance in the character of professor:—

"The most awkward thing that ever occurred to me was this:—Immediately after I was married, I was appointed Deputy Professor of Law at Oxford; and the law professor sent me the first lecture, which I had to read *immediately* to the students, and which I began without knowing a single word that was in it. It was upon the statute of young men running away with maidens. Fancy me reading with about one hundred and forty boys and young men giggling at the professor. Such a tittering audience no one ever had."—P. 91, vol. I.

The years necessary to be passed as a student Scott employed in the laborious study of his profession. He spent six months in the chambers of Mr Duane, a conveyancer. "He was a Roman Catholic, a most excellent and worthy man," said Lord Eldon. He received Scott without any fee, an instance of liberality, however, by no means rare in the profession, but

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deserving to be recorded in the present instance, being deemed "a great kindness" by the future Chancellor and the most sturdy enemy of the emancipation of that class of religionists to which this worthy and early benefactor belonged. The political leanings of Scott were plain at this time, viz., the year 1775. He was ever the opponent of freedom, though his characteristic prudence induced him, when struggling for business, to keep his real opinions to himself; and he appears, besides, whatever he might have thought, not to have felt very strongly upon such matters:—

"I do not see your name," he writes to his brother Henry, "among the addressers: surely the friends of government are more numerous among you. We addressed from Oxford; that is, I gave it neither countenance nor opposition, *for I do not care a sixpence about the matter*, though I think, in point of law, the Americans are wrong, and do not see any alternative but to conquer or to separate entirely from them. This is only between you and me."—Pp. 97—98, vol. I.

This is a curious declaration to have been made by the great Conservative politician and minister of the past generation.

In Hilary term, 1776, Mr Scott was called to the bar by the Society of the Middle Temple.

The career of a lawyer consists of two very distinct parts. The first is that in which he has to attain mere professional eminence; the second, in which, having gained the first step, he has to acquire the great rewards of his profession, and take an active share in the important transactions of the state. We are here chiefly speaking of those who acquire political power and renown; a less ambitious race there are, who are content with closing their professional career as puisne judges, and abstain entirely from meddling in the busy world of politics. Lord Eldon was not one of these; he sought and he attained the highest honours of his profession, and through their means became for many years one of the chief ministers of the Crown. We have, therefore, to trace him through all the steps of this long career.

His success in the first and generally most difficult part of it was long delayed; so long, indeed, that he had at one time thought of relinquishing his chance of London business, and settling himself in the country as a provincial barrister. Thus he who eventually was Lord Chancellor for a quarter of a century, narrowly escaped being a coal fitter, a grocer in Newcastle, a country parson, and last, and perhaps the least, a country lawyer.

In those days, professional success, however dependent upon chance, was less difficult than at present for one not possessed of friends or connexions among attornies and solicitors. The

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Chancery bar, when Mr Scott joined it, consisted, it is said, of about twelve or fifteen barristers regularly practising; and one or two opportunities taken advantage of, sufficed to establish the fortune of an aspirant, by ensuring him regular, and if he was worthy of it, increasing business. At present, however, the numbers of competitors are enormously increased, and the business has become a sort of inheritance. Every great firm of attornies has some relation or near connexion at the bar, brought up to the profession with the expectation of being constantly employed by this friendly client, first as a junior, and when time and practice have fitted him for the part, as leader in all cases which come to their office. Competition with persons so fortunately connected by an unknown and unfriended aspirant for professional fame is hopeless. Constant employment gives very inferior ability superiority in practice; failures and mistakes are overlooked by the friendly client, and employment is still continued, though errors have been committed. Not so with the luckless wight who is unbefriended. Let fortune bring him a brief; success and ability in the conduct of the cause are forgotten when the turn has been served; but one mistake is fatal; it is never forgotten or forgiven:—

"Among the more influential class of attorneys and solicitors it has become usual to bring up a son or other near relation to the bar, who, if his industry and ability be such as can at all justify his friends in employing him, absorbs all the business which they and their connexion can bestow; and the number of barristers thus powerfully supported is now so great, that few men lacking such an advantage can secure a hold upon business."—P. 124, vol. i.

This peculiar relation of attorney and barrister is not favourable for the growth of great qualities in the latter; neither do independence of spirit, scrupulous delicacy of honour, decent self-respect, win much favour; they are troublesome, create difficulty, and raise often annoying obstacles. On the other hand, a pliant and complying disposition, a ready and unscrupulous dexterity in the use of technical means, are the characteristics sought by the dispensers of legal fortunes; and as these fortunes are large, there is no difficulty in procuring and creating a never-failing supply of this more favoured class. But while the attorneys are pleased, the character of the profession is far from improved, and the epithet of *liberal* hardly belongs to it.

For his eventual success Mr Scott was solely indebted to his own perseverance, knowledge, ability, and good fortune. He was prudent, indeed, but not in a way implying anything unworthy. The art of making business for his attorney clients was

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not among the means employed by him to gain their favour. His knowledge of law was great, his industry was untiring, and his ability as an advocate, if not of a high order, was still sufficient; and when once brought into notice on the Northern Circuit, he advanced steadily onwards, till he acquired the lead of that great division of the profession. His disposition, too, appears by its cordiality and kindness to have rendered him a favourite with his brethren. His amenity remained with him, even when raised above all competition, and gained him many friends during life. His most inveterate political opponents always acknowledged that in *manner* he afforded no subject of complaint.

"He had no mean powers of wit," says Lord Brougham, "and much quickness of delicate repartee. In relating anecdotes he excelled most men, and had an abundant store of them, though of course, from the habits of his life, they were chiefly professional: his application of them was singularly happy. The mingled grace and dignity of his demeanour added no small charm to his whole commerce with society; and although the two brothers differed exceedingly in this respect, it was usual to observe that except Sir W. Scott, no man was so agreeable as Lord Eldon."—*Statesmen of George III*, vol. ii, p. 72.

The records of the bar afford some striking contrasts to this description. A great leader in the days gone by was a species of bashaw; and there are men still alive who can recollect the times when the coarse rudeness of one, and the sneering insolence of another have rendered the duties of a junior no small trial of temper and patience. But such things are matters of history, and mutual kindness and good-breeding now distinguish all professional intercourse. Hard drinking and harsh words have disappeared together; the practical joking and the fun of a circuit life is also more subdued, and less uproarious than amongst our fathers; but we would wish to believe that our good humour is just as real, though not so noisy, as theirs, and that our wit is even more effective by being regulated by good manners.

In 1783 Mr Scott was appointed King's Counsel, and may then be considered to have established his professional fame, and to have reached that point at which his political career commenced. An incident occurred connected with the acquisition of his silk gown which, as illustrating the character of the man, deserves to be recorded. The great seal being in commission, the Duke of Portland sent, through the commissioners, a message to Mr Scott, offering him a silk gown. Scott took time to deliberate, but as he himself says:—

"After some hesitation I communicated my determination of

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accepting the offer, answering that I should feel honoured and gratified in so doing. Now this was Wednesday: on Thursday found that Erskine and Pigott, both of them my juniors, w also to have silk gowns, and that they were to be sworn in Friday, whilst Saturday was appointed for me to be sworn in; s immediately wrote to say, that though I felt highly honoured being offered a silk gown, and had gratefully accepted it, yet as I found Mr Erskine and Mr Pigott, my juniors at the bar, were to be put over me, by being sworn in the day previous to myself, I must beg leave to retract my acceptance, as I could not consent to accept promotion accompanied by any waiver of my professional rank: and this letter I sent. I was called before the Lords Commissioners, who took great pains to induce me to alter my purpose. One of them said Mr Pigott was *junior** at the bar to Mr Erskine, and yet he had consented to let Mr Erskine take precedence of him. I answered, Mr Pigott is the best judge for himself; I cannot consent to give way either to Mr Erskine or Mr Pigott. Another said, Mr Scott, you are too proud. 'My lord, with all respect, I state it is not pride. I cannot accept the gown on these terms.' After much difficulty, particularly as the patents of Erskine and Pigott had actually passed the seal, the matter seems to have been arranged; for on the Saturday I received a patent, appointing me next in rank after Peckham, and placing Erskine and Pigott below me, though in fact both of them had been sworn in the day before me; and that patent I have to this day."—Pp. 141, 142.

Mr Scott soon after, in June, 1783, went down to Weobly, a borough belonging to Lord Weymouth, as a candidate; that is, he was the nominee of Lord Weymouth, and went to Weobly, in order to go through the farce of an election. Lord Eldon declares that he accepted the seat upon condition of his own entire independence; and that Lord Thurlow, who, at Lord Weymouth's request, had made Scott the offer of the borough, stated:

"For this I stipulated; and if there had been any difference between Lord Weymouth and me on this point, his Lordship must have sought some other messenger."—P. 144, vol. i.

It may reasonably be imagined that Lord Thurlow knew his man, and felt certain that he hazarded nothing by leaving it to Scott to determine his own political course. Both Scott and the Chancellor must have foreseen that a struggle was at hand between the old aristocratic dominion, which exercised its power through a nominee House of Commons, and the nation at large. A successful and ambitious lawyer, favoured by the holders of power and the dispensers of distinction, was not very likely to side with the people, and choose the thankless office of a patriot politician. They, also, who knew Scott, well knew that by all

* *Sic* in original; but it must be *senior*.

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his habits of thought and feeling, he was sure to oppose every popular pretension.

Party warfare, though its days were drawing to an end, was still violently raging. The party, however, which the King favoured, was that to which Scott would from opinion have allied himself in any circumstances; and in the stormy period then approaching, he was not a man to desert it. He deliberately chose the side of the Tory faction, and steadily adhered to it, even to the last day of his existence. The coalition ministry, soon after Scott's coming into parliament, was overthrown by Mr Pitt and the King; and a new administration was formed under the auspices of Mr Pitt, as Prime Minister. The great parliamentary fight made by Pitt in the Commons against the united forces of Fox and Lord North, followed in the next session. Scott held steadily to the side of the minister, and permanently secured his favour by this hearty aid in his day of need.

The House of Commons was, in 1784, dissolved, and an appeal, as it was called, was made to the country. Mr Fox's India Bill was the pretext, and the extraordinary ignorance of the whole country about everything connected with India and its governments, enabled the ministry to raise a strong feeling against Mr Fox and his party. He and they were accused of wishing to dethrone the King, and set themselves up in his stead. The cry of the "seven Indian kings" destroyed the power of the coalition, and obtained for the young and yet popular minister a vast majority in parliament. Of this majority Mr Scott formed one, as member again for Weobly. He seems, however, to have taken no very active part in the stormy debates of that celebrated session, but to have devoted himself industriously to his profession.* He was now a leader on his circuit, and money as well as fame was the consequence. To this gay period of his life it is said that Scott was ever after fond of recurring.

In 1788 Lord Mansfield resigned the office of Lord Chief Justice of the King's Bench. Sir Lloyd Kenyon succeeded him; by this a vacancy occurred, as Sir Lloyd was Master of the Rolls, to which office the Attorney General, Mr Pepper Arden succeeded, and to him Sir Archibald Macdonald, the then Solicitor General; and Mr John Scott was appointed Solicitor

* It deserves to be stated, that in the next session Scott opposed the ministry on the subject of the Westminster Scrutiny, believing, as he expressed it, "their law to be bad." This support, thus opportunely afforded, made Fox, as he thought, civil to him ever after; "Fox," he said, "never said an unkind word to me during the time I sat in the House of Commons."

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General, when, as his biographer observes, he *underwent* the ceremony of knighthood.

"It is said," says Mr Twiss, quoting the 'Morning Chronicle,' "that he intimated to the King a modest wish of declining this last honour; but that George III only answered, 'Pooh, pooh, nonsense,' and gave him the accolade without further parley."—P. 187, vol. i.

The following year the King becoming insane, a fierce dispute arose on the subject of the Regency; Mr Fox hoping, from his favour with the Prince of Wales, to be raised to power if his Royal Highness should become Regent and exercise the authority of the Crown, strove earnestly to place it in the hands of the immediate heir to the Throne. Mr Pitt, on the other side, and for the same reason, was averse to this scheme, and proposed to make the appointment of the Regent and the extent of his power dependent upon the will of the two Houses of Parliament. Sir John Scott supported his leader in the debates which followed, and managed with great dexterity so to shape his arguments as to win the King's favour, while endeavouring to control and narrow the rights of his heir. Upon the recovery of the King, which occurred before the question was finally determined, Sir John Scott was sent for by his Majesty, and—

"Thanked for the affectionate fidelity with which he had adhered to him [the King], when so many had deserted him in his malady."—P. 196, vol. i.

But the stormy days of the French revolution were now approaching, and the cares and anxieties of political men were to be of a new and more exciting character than they had been in the times which had just gone by. The questions which were raised by the revolution in our American colonies, however important, were not of a nature to excite the same alarm, and therefore to create the same interest, as those which were now to occupy the minds of men. During our controversy with America our prosperity and greatness as a nation were indeed thought in peril, and great evil was apprehended in consequence of the disruption of the empire. Trade, too, had languished during the struggle, and much private suffering served to increase the feeling of public misfortune. The storm, however, was not of long continuance. The much dreaded evil had occurred, and the mischief which it was prophecied would follow it, did not happen. The ill success attending our efforts during the war had, however, caused great discontent among the people, and the more instructed classes also. A reform of our institutions was become a popular demand, and a quiet and constitutional change, such as we have

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ourselves witnessed, appeared a very probable event. At this time, and when the temper of the people leaned thus strongly towards reform, the same spirit was found animating the French nation. Greater apparent obstacles lay in the path of our neighbours than in our own; but the end to which both people tended appeared the same, and a strong feeling of sympathy, mutual good will, and encouragement, sprung up between them. The well known and terrible events of the French revolution immediately succeeded. At first, however, there was nothing to excite dread among the wealthy classes of this country. The various demands made by the constituent assembly were, in the opinion of the great majority among us, held to be wise and necessary. The old despotism was detested by all classes, and a constitution like our own was considered but the demand which an increase of instruction among the people of France necessarily created. Matters, however, did not remain in this position. The immense property of the Gallican Church was suddenly taken from it, and shared in various ways among the people. The exclusive privileges of the aristocracy fell at one blow, and with them a great part of their property was taken from them. The construction of a constitution from its lowest foundations to its topmost pinnacle, created interminable discussions, and directed men's thoughts with great intensity towards a search into the principles upon which all society and all government are supposed to rest. In the debates which followed, things held sacred by many were irreverently dealt with. Long established opinions were rudely assailed, and men were contemptuously challenged to support by reasoning, creeds which were by many deemed too sacred to be within reach of inquiry, and institutions which were thought so important as to make it treason to question their value. The destruction of the political institutions thus brought on, as a necessary consequence, a remodelling of the social relations of the French nation. Nothing was beyond the reach of attack, and dismal prophets of evil were not wanting, who daily cried aloud wherever a man's voice could be heard, threatening all men with "the hideous ruin and combustion," that was but the just punishment for those who permitted such sacrilege to pass without a struggle to prevent or to punish it.

The disputes that were thus raised in France became the subject of daily discourse among ourselves. The same questions were raised by the many excluded from power, by the many also who were suffering the evils of poverty, and looking around eagerly for relief among our own people. The remedies which were considered efficacious in France, found favour here; and

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men began openly and boldly to discuss the value of institutions which the privileged few had hitherto taught all to look up to with reverential awe. This spirit of inquiry created intense alarm; and as the French proceeded to demolish all the old institutions of the monarchy, the terror day by day increased, till at length, in an evil hour, the established authorities of Europe thought fit to interfere, and endeavoured to force the French nation, at the bayonet's point, to re-establish the institutions which they had destroyed, to re-assume the galling yoke from which they had been so lately freed.

It was during this momentous period, that Sir John Scott was called upon, as Attorney-General,* to act as the chief legal adviser of the crown, and to assist his leader Mr Pitt in the war which was to be waged for a quarter of a century against French principles and the French nation—an office fraught with grave responsibilities; one requiring no ordinary courage, no ordinary ability. Sir John Scott entered upon its duties in no doubting spirit. He continued the war which his leader had thus begun to the end of his life, valiantly if not wisely. He carried the struggle with the French people to a successful issue; but he lived to see those principles which he had, at the outset, been able to crush and put down with the strong arm of the law, and to cover with odium and obloquy by all the various arts which are now used to influence opinion—which he had succeeded in branding as French, atheistical, and revolutionary; these, in his old age, he lived to see triumphant, and that, too, in the very mode against which his chief endeavours had been directed. Catholic Emancipation and Parliamentary Reform had been the great bugbears of his political life. They haunted him to its end; and at length drove him from power, to mourn in solitary seclusion over those by-gone times of glory, when he was hailed by "troops of friends" as the chief supporter of church and state—the implacable enemy of civil and religious liberty.

The great event of Sir John Scott's professional life, and in truth one of the most important in the history of English jurisprudence, was that of the trials for high treason—which he undertook as the chief law officer of the crown—of Hardy, Horne Tooke, and others. The terror of the English people, in consequence of the excesses of the revolutionary tribunals in France, was now at its height. The king of France had been executed; his unfortunate queen had also been destroyed. The worthy men who had accomplished the first act of the revolution, and

* Sir Archibald Macdonald became early in 1793 Chief Baron of the Exchequer, when Sir John Scott was appointed Attorney-General.

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gave France a constitution, had fallen victims to the terrible fury which seized upon the people at this epoch of their emancipation. Terror reigned in Paris, and consequently throughout France. All security for property and life had utterly disappeared, and the same dreadful calamity seemed impending over England. A more dangerous crisis cannot be conceived. On the one hand, terrible experience proved that the reform of established institutions, no matter how odious and deserving of a searching reform, and in many cases of entire destruction, might yet be attended by a license, and a wild ferocity which led to evils, in their immediate consequences more horrible than those which the most cruel despotism could produce; on the other hand, it was to be feared, lest the alarm which such excesses naturally produced in the minds of the millions who desired to live under the safeguard of the law, should lead them to draw the bonds of authority too tight—to weaken, if not to destroy the efficiency of those bulwarks which experience had taught us to erect, as a protection for civil freedom against the encroachments of arbitrary power; and that from a dread of the immediate evils of anarchy, we should lay the foundations of an oppressive and continued despotism. That there was much of error in many of the opinions broached by those who addressed the people at large cannot be doubted. It may also be presumed that there were evil intentioned men at work, who sought to stir up the suffering poor, and to excite confusion, in the hopes of profiting by the scramble that would follow. But it may safely be asserted, that many honest men were also labouring to remove what they sincerely believed to be serious grievances, and great impediments in the way of the people's well-being; and we think, that as on the side of reformers there were dishonest persons to be found, seeking bad ends, and masking their endeavours by associating themselves with the really just and honourable men who were desirous only of removing real abuses, and of establishing a pure and beneficial system of law, so on the side of those who sincerely dreaded the dangers to be apprehended from an outbreak of popular licence, that there were ranged the selfish lovers of sordid abuses, making use of the honest terror of their associates to put down and utterly to silence the upright opponents of inefficient and mischievous institutions. The bad of both sides took advantage of the tempest that was raging—the one to produce riot and confusion; the other to rivet the chains of the people, and to secure to themselves the proceeds of profitable abuses. It was the duty of those in authority and of influence over their people, to counteract the evil influence of both these mischievous factions. The really great and sagacious

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ruler—he who should truly deserve the gratitude of mankind in all succeeding time, while he avoided lending assistance by the authority of his example, to popular delusion, would equally have abstained from sapping the foundations of true freedom and security, by joining those, who, under the influence of unmanly terror, attacked those honoured institutions which time and experience had taught men to frame for the protection of a rational freedom. To this high renown neither Mr Pitt nor his attorney-general can lay claim. Mr Pitt, we believe, entertained no fear; his solicitude was not for the institutions of his country. He sought to put down troublesome opponents, men who stood in his way, and shackled him in his endeavours to wage war against a people for whom he had an hereditary dislike, and opinions for which, from the very character of his mind, he entertained a cordial abhorrence. The mind of Sir John Scott was cast in a much more vulgar mould. He was, in fact, a faithful representative of the terrified middle class, made by their terror the tools and cat's paw of the audacity of an unscrupulous and grasping aristocracy. The present moment was alone present to his imagination. The past with all its many speaking examples, its many fatal proofs of the necessity of strong defences for freedom, against the insidious approaches and the open attacks of power, this all at once faded from his memory, and he saw nothing, could think of nothing, but the horrors of a temporary anarchy then raging in France. He was utterly incapable of raising himself above the turmoil around him, and judging, calmly, for the future as well as the existing moment. His life had been passed in the quiet exercise of a laborious, but to him pleasing profession; success had attended his efforts, and the institutions which had produced this agreeable result, appeared the very perfect product of human ingenuity. He was Conservative because he was happy; he cared not for, he thought not of, those whom misery made impatient of abuse; he was but too ready, therefore, to withstand, and to punish every attempt to change those happy institutions which had enabled him to become the chief law-officer of the Crown, and which, if permitted to remain unaltered, might, and probably would, place him upon the very topmost seat of his profession, endow him with riches, and power and fame, and allow him to transmit his honours to a long line of admiring and grateful descendants. To the conservation then of a state of things which the favouring gales of prosperity made so pleasing to himself, he bent the whole power of his intellect. The engine which he employed was the law; he called into exercise all the technical ingenuity, which a long life of successful practice had brought to perfection; he collected together in one body, all his

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learning, all his experience, all his skill: the enemies of order were before him, he loaded his piece to the muzzle, with his own hand he trained his gun, and amidst the acclamations of the terrified friends of church and state, he discharged it against those whom he believed destined to be the first proofs of his professional skill, viz.: Horne Tooke and his associates;—and when the noise of the discharge was over, and the smoke cleared away, the only result was found to be, that the attorney-general had been overthrown by the recoil of his own weapon.

The discontents arising out of the misfortunes which occurred during the contest with our American Colonies, raised, as we have already said, a strong desire among all classes of society, for a reform in the constitution of the House of Commons. Sir George Savile's famous petition from Yorkshire, presented in 1780, carried the principles of this desired reform to their utmost extent; universal suffrage, annual parliaments, and vote by ballot, being the sum of its demands. The opinion that such a sweeping change was necessary, was not confined at that time to the poor and needy. The Duke of Richmond, in 1780, published a formal plan of reform, of which annual parliaments and universal suffrage were the basis. To the end of furthering the attainment of this desired object, a society was established, called the 'Society for Constitutional Information,' and among the many celebrated names, upon the list of its members, the one not least conspicuous was that of Mr Pitt himself—in those days a patriot, now a minister. Mr Erskine in his defence of Hardy says:

"The great Earl of Chatham began and established the fame and glory of his life upon the very cause in which my unfortunate clients were engaged, and he left it as an inheritance to the present minister of the Crown, as the foundation of his fame and glory after him; and his fame and glory were accordingly raised upon it; and if the Crown's evidence had been carried back as far as it might have been (for the institution of one only of the two London Societies is before us), you would have found that the Constitutional Society owed its earliest credit with the country, if not its very birth, to the labours of the present minister, and its professed principles to his Grace the Duke of Richmond, high also in his Majesty's present councils."

The Constitutional Society was established upon the principle that an appeal from the decision of parliament to the people at large, was now absolubly necessary. The House of Commons had, in 1780, rejected all the petitions which prayed for a reform in parliament.

"It is not in parliament alone," said Mr Burke, "that the remedy for parliamentary disorders can be completed; and hardly, indeed,

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can it begin there. Until a confidence in Government is re-established, the people ought to be excited to a more strict and detailed attention to the conduct of their representatives. Standards for judging more systematically upon their conduct ought to be settled in the meetings of counties and corporations, and frequent and correct lists of the voters in all important questions ought to be procured. By such means something may be done.

"It was the same sense of the impossibility of a reform in parliament, without a general expression of the wishes of the people, that dictated the Duke of Richmond's letter: all the petitions in 1780 had been rejected by parliament; this made the Duke of Richmond exclaim, that from that quarter no redress was to be expected, and that from the people alone he expected good; and he therefore expressly invited them to claim and to assert an equal representation as their indubitable and inalienable birth-right."—Mr Erskine's Defence of Hardy—*State Trials*, vol. xxiv, p. 922.

The exact words of the Duke of Richmond deserve to be quoted.

"The lesser reform has been attempted with every possible advantage in its favour; not only from the zealous support of the advocates of a more effectual one, but from the assistance of men of great weight both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor the least ray of hope been held out from any quarter that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances. From the same quarter, therefore, I have nothing to hope. IT IS FROM THE PEOPLE AT LARGE THAT I EXPECT ANY GOOD; and I am convinced that the only way to make them feel that they are really concerned in the business is to contend for their full, clear, and indisputable rights of universal representation."*

From 1780 to 1792 this society continued its labours. In the meantime the French revolution occurred, the people on this side of the water also became interested in the affairs of government; and were actually in that state of mind to which the Duke of Richmond had formerly desired to bring them. In 1782 Mr Pitt made his celebrated motion in the House of Commons for reform in parliament, in furtherance of the views of the society,

* "A letter from his Grace the Duke of Richmond to Colonel Sharman, chairman to the committee of correspondence appointed by the delegates of forty-five corps of volunteers, assembled at Lisburne in Ireland." It should be remembered that this letter was written to men with arms in their hands, making demands from the government which they obtained solely in consequence of the fears of that government.

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and the defeat of this very modified proposal was the cause of great discontent, and increased activity on the part of the friends of reform. In 1792 another society was instituted ostensibly for the same purpose of parliamentary reform, called 'the London Corresponding Society.' The Constitutional Society then also appointed a committee of correspondence, and these two bodies corresponded with societies spread over the kingdom, and established for the same professed objects. The original aristocratic founders did not at first desert the Constitutional Society, nor did they swerve from the purposes which at the commencement they had declared to be the object of their endeavours. On the 11th of April, 1792, a society entitled 'the Friends of the People associated for the purpose of obtaining Parliamentary Reform,' published a declaration to which they had agreed, and with their names signed thereto. At the head of them was that of Mr Grey, afterwards Lord Grey, who acted as chairman, and the society included almost every person of any celebrity (except Mr Fox) belonging to the party of the opposition in and out of parliament. Mr Grey afterwards proved in the House of Commons, and was seconded by the celebrated Erskine, that he might be permitted to prove at the bar of the House that one hundred and sixty-two persons did actually return three hundred and six members out of five hundred and fifty-eight, which was a majority of the House.

"Up to the very day," said Mr Erskine in his defence of Tooke, "when Mr Grey gave notice in the House of Commons of the intention of the Friends of the People for a reform in parliament, there was not even a single indictment on the file for a misdemeanour; but from that moment when it was seen that the cause was not defeated nor abandoned the proclamation made its appearance, and all the proceedings that followed had their birth."

The proceedings of the clubs in France gave a handle for imputation against these societies in England. And as the Jacobins of Paris and affiliated sections throughout France had succeeded in destroying the French monarch and the monarchy, it was asserted that the various associations in England which put forth as their ostensible object a reform in parliament, were in reality conspiring to destroy the whole frame of the constitution, and to set up a republic in its stead. The parties most prominent among the leaders of the Constitutional and Corresponding Societies were therefore arrested upon a charge of high treason. These parties were not the gentlemen of high station and wealth who had, at the beginning of the societies' proceedings, taken a chief part therein. These, as the conduct of the French became more and more alarming, had gradually withdrawn themselves, and had ceased to have any share in the acts of the societies,

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leaving the management in the hands of bolder men, who were for the most part of humble birth and limited education. There was, however, one celebrated exception, viz., the well-known learned and acute John Horne Tooke, and he consequently, together with Hardy, the Secretary of the Corresponding Society, Thelwall, and others, was suddenly thrown into prison in the month of May 1794. The trials nevertheless did not begin until the 25th of October in the same year. The mode of the commitment and the imprisonment itself for some period seems to have been unusually and certainly unnecessarily harsh. The terror which then possessed the minds of many in authority may indeed account for, but cannot excuse this cruel proceeding. It was not necessary for safe custody, the only effect of it being to render more wretched a condition already but too painful and distressing.

And now in the month of November 1794, a great and momentous drama was enacted which, while it was the cause of unspeakable good to all mankind, reflected also great honour upon the people among whom it occurred. In the midst of extraordinary alarm and confusion, with the world itself in arms abroad, while within the kingdom there were raging bitter strife and violent animosity, the calm, impressive voice of the law was heard and submissively obeyed; all was now to be done according to established form, and with the most perfect order and decorum; and the poor shoemaker Hardy, who had first to struggle for his life against the force of a powerful government, backed by an alarmed and fierce aristocracy, received from the hands of those by whom the law was administered as large a measure of justice as could have been conceded to the most powerful noble in the kingdom. The greatest ability was enlisted in his service. The most finished advocates that England ever saw conducted his defence with a solicitude, courage, discretion, and ability almost without a parallel. The court seemed from its manner, so calm and just, and considerate, to be lifted above the common passions which agitate and sway the councils of ordinary humanity, while the counsel for the crown, however anxious to obtain a verdict against the accused, attempted to take no unfair advantage; but while earnestly pressing upon the consideration of the jury every point in argument, every matter of evidence which conduced in their opinion to prove the guilt of the accused, never forgot what was due to a fellow-creature whose life was in jeopardy. They strove as if they desired justice to be done, and not as if they sought unscrupulously to carry into execution the behests of a tyrannical administration; and the jury too, they upon whose judgment not merely the life of the accused depended, but who

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by their verdict were to stamp a lasting character upon the laws, the manners, and the government of their country, patient, earnest, conscientious, firmly and wisely performed the great duty which their country required of them, and when they declared by their verdict that the prisoner was NOT GUILTY, did honour to themselves, and conferred a lasting benefit on mankind.

Lord Brougham, when speaking of the policy of these trials, expresses but the general opinion when he says—

"A case of high treason which required nine or ten hours to state, was to the ordinary apprehension of all mankind a clear case for acquittal. This in the eyes of many lessened the brilliancy of Mr Erskine's great victory, by diminishing the chances of a conviction; but the dreadful excitement of the times was enough to have carried the prosecutors through their bad work, even under all the disadvantages of Lord Eldon's very injudicious conduct of the cause. It was, perhaps, a yet greater fault that he suffered himself to be persuaded that a case of high treason existed; when if he had only examined his proofs with a steady eye, he must have seen at once the merely seditious character of the whole matter, the certainty of a defeat if he prosecuted for treason, and the probability of a conviction had he gone upon the misdemeanour."—*Statesmen, &c.* vol. ii, p. 66.

Whether the proceedings of these societies might have been entirely disregarded, and the safety of the existing government maintained, may be doubted by many. The time was one of extraordinary excitement, which, had it been unchecked, might have led to open violence. In our own days, however, we have seen the working classes throughout England assemble together in separate districts and elect delegates, who met in regular convention in London during the sitting of Parliament. The object of this convention was to attain the Charter, as it is called, being in reality a plan for a reform in the House of Commons, the chief provisions of which were universal suffrage, annual parliaments, and vote by ballot. This convention being unattacked, met quietly, discussed various points, differed among themselves, and finally separated, having effected nothing in furtherance of their object, and producing only a little good humoured ridicule at their own expense. This example then is all in favour of doing nothing in opposition to such attempts. The excitement being allowed to evaporate in talk, in time subsides and disappears, while, if disturbed and opposed, it increases and becomes violent and clamorous. The license which is now conceded to abusive and violent language also endangers not in any degree our real peace and security. The passion that is allowed to escape in furious language is seldom ready to act; and it would be well if all the governors of mankind would recollect the homely proverb, that hard words break no bones.

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The case, however, most similar to that of the celebrated trials of 1794, is that which we have seen so lately in Ireland. The monster meetings of Mr O'Connell and the friends of repeal, excited the alarm of government, and they, so far taking warning from experience, prosecuted for the sedition, and not the treason. This experiment has also failed, thanks to the legal acumen of the House of Lords. But had it been entirely successful as a legal effort, sure we are that, as a political one, it would then, as now, have proved a signal failure. The repeal of the union will not be carried by violent language, or by monster meetings; it will not be prevented by prosecutions for sedition, or by the incarceration of Mr O'Connell. So in the case of the prosecutions instituted by Lord Eldon; they did not preserve, but really endangered the peace of the community: immediate benefit, therefore, there was none. Had they succeeded, a dangerous precedent would have been established—the utmost latitude would have been given to the doctrine of constructive treason, and one great safeguard for liberty seriously diminished and weakened, viz., freedom of discussion.

Not content, however, with this judicial scheme for suppressing the expression of discontent, Sir John Scott assisted Mr Pitt in a legislative crusade against opposition. The Habeas Corpus Act had been already suspended—under the influence of increasing terror, the suspension was continued while various laws were enacted to prevent assemblies of the people—and their uniting together for a common purpose. New treasons were created by statute, and the act creating them still remains upon the statute-book—so also does the Act directed against the corresponding societies. The Jacobin clubs of France were then the great objects of terror among the wealthier classes of this country, who sincerely believed that the various political societies established throughout England and Scotland, proposed to themselves in reality the same end as that which the French clubs had attained; and that they would not scruple to use the cruel and sanguinary means to accomplish their purposes which had been adopted by the people of France. We cannot, therefore, wonder at the stringent enactments to which this terror gave birth, however much we may deplore the supposed necessity, and blame the course pursued. Many of these laws were so opposed to the ordinary habits and customs of the English people, that being temporary, they have been allowed to expire, while others which were made perpetual, are daily broken through, and remain on the statute-book as a dangerous trap which may some day be set for the troublesome and unwary opponents of a despotic administration. These stringent laws of Mr Pitt and Lord Eldon, together with those

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of Lord Castlereagh in 1817 and 1818, commonly called the Six Acts, were constantly brought under the consideration of the late so-called liberal administration of the Whigs during the very height of their prosperity and power. But these laws which they had railed at in opposition, they did not seem to dislike when in power; and left them untouched—a striking monument of the value of those hollow pretensions always so readily and so lavishly employed by their party, when condemned to the ungrateful position of unsalaried patriots enacting the part of opposition.

It is but fair to hear Mr Twiss's defence of Lord Eldon's conduct upon this occasion :—

"The policy pursued by him, as Attorney-General, has been censured as too stern and sweeping; but the circumstances of those times required, and therefore justified, a strictness, which in a calmer season would have been blameable, because unnecessary. It is more easy than fair, when the danger has been surmounted, to say that a different conduct would have effected the same deliverance."—p. 315, vol. I.

Our answer is, that the peace of the country and this severity did not, and cannot be shown to stand in the relation of effect and cause :—that the country remained undisturbed in spite of Mr Pitt's unwise and dangerous legislation, and not in consequence of it—and that the most alarming circumstance during the whole crisis was the possibility of the Attorney-General's succeeding in his prosecutions for treason. Had he obtained the verdict he desired, and attempted to carry the sentence into execution, confusion would inevitably have followed. In a country where everything depends upon trade and manufactures, internal peace is of far more importance than amongst an agricultural people. Serious commotion in London for a week would have shaken our whole commercial fabric to its very base, and brought about universal ruin. So long as the law was not strained to fatal purposes, the people looked on quietly, and with confidence. The immense majority desired that peace might be maintained, and were ready, as the result proved, manfully to resist any attempt on the part of foreign emissaries or nations to interfere in their internal affairs. On the good sense and good feeling of the people a really wise and magnanimous minister would have placed his firm reliance. He would have strained no law to his purpose—nor would he, having failed in this insidious attempt to establish a despotism, have had recourse to the open violence of parliament—what he could not effect by the verdict of a jury, he would not have accomplished by the votes of a terrified majority in the House of Commons.

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Sir John Scott was, however, not destined to remain much longer a law officer of the Crown. In 1792 Mr Pitt, and his growling Chancellor, Lord Thurlow, after many bickerings, came to a serious quarrel. Lord Thurlow was consequently turned out (no other word properly expresses the proceeding). Scott upon this, but we can hardly understand on what ground, thought it proper to inform Mr Pitt that he also should retire with the Chancellor. "Mr Pitt," says Mr. Twiss, "reasoned with him and *implored** him not to persist in his resolution." Thurlow also advised him not to act upon this resolution:—

"Scott," said he, "if there be anything which could make me regret what has taken place (and I do not repent it) it would be that you should do so foolish a thing. I did not think that the King would have parted with me so easily. As to that other man, he has done to me just what I should have done to him if I could. It is very possible," he added, "that Mr Pitt, from party and political motives, at this moment, may overlook your pretensions, but sooner or later you must hold the Great Seal. I know no man but yourself qualified for its duties. Lord Thurlow reasoned and prevailed, and Sir John Scott fortunately continued to hold his official situation, and to act with his wonted cordiality with Mr Pitt."—P. 213—14. vol. I.

In July, 1799, Sir James Eyre, Chief Justice of the Common Pleas, died, and Sir John Scott succeeded. Lord Eldon himself gives the following somewhat curious history of this elevation:—

"After I had served the offices of Solicitor-General and Attorney-General, from 1788 to 1799, the Chief-Justiceship of the Common Pleas becoming vacant, and feeling myself worn down with labour and fatigue, I made a point of succeeding to that office. My pretensions were very much opposed by the Chancellor, Lord Loughborough, and by Mr Pitt, then Minister. Both wished to give the office to Sir R. P. Arden, then Master of the Rolls. They represented to me that it was, on my part, bad judgment to change my situation, as it certainly was, in a pecuniary point of view; but I thought my health and comfort required my retirement from the laborious office of Attorney-General. Mr Pitt was pleased to express repeatedly regret that I should quit the House of Commons. The difficulties were at length overcome, Mr Pitt agreeing, if, with the Chief-Justiceship, I would, as Lord Camden did, go into the House of Lords as a peer; and the King consented, provided that I would promise not to refuse the Great Seal when he might call upon me to

* We very strongly suspect that Mr Twiss has been here misled by his information. To implore, in such circumstances, was utterly foreign to Mr Pitt's habits and character. Lord Eldon evidently has exaggerated some expressions of regret into those of earnest and supplicating entreaty.

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accept it. This condition, prescribed by his Majesty, I thought I could not refuse to accede to."—Pp. 330—31, vol. I.

The garrulous vanity of the old Chancellor is somewhat amusingly exhibited in this account. That Mr Pitt and the King should force upon him as sacrifices just the two things he most coveted on earth, viz., a peerage and the Chancellorship, does not appear very probable. That something of intrigue was occurring on the part of the King, to maintain and continue the party, which had long since been called "the King's friends," we can easily believe, as well as that Lord Eldon lent himself to it, doing all he could to give effect to the King's wishes. That with such a purpose there might have been some sort of understanding as to the future is possible. This understanding did very possibly relate to his being the future Chancellor; and probably in order to pave the way to such appointment, he was made a peer. In his old age, when he was accustomed to consider himself ill-treated, he endeavoured to make himself out to be a martyr in the cause of church and state; but finding no real sufferings, or disappointments, or ill-treatments, which he could adduce as proof of his zeal and attachment, he converted his very successes into such evidence, and made each advancement in his life a generous sacrifice on his own part to his affectionate loyalty to his beloved Sovereign, and the state of which he was the revered head. The process by which the mind arrives at such a conclusion may often be observed, though the glaring nature of the hallucination does not commonly render it so apparent as in the present instance.

He was now, however, condemned to be a peer. His biographer, speaking of his former advancement, states that he *underwent* the ceremony of knighthood. He was now compelled to the greater sacrifice of being ennobled. He was made "Baron Eldon of Eldon, in our County Palatine of Durham." The mottoes which he assumed on his elevation to the bench and to the peerage combined an adroit flattery of the King with a not unbecoming assumption of honour to himself. He gave rings,* as a serjeant, having this inscription:—

"Rege incolumi, mens omnibus una."

"As the ring is to be a compliment to the King, I have thought of Virgil's description of the hive when the king is secure, as applicable to the unanimity of the country in the present security of its monarchy."—P. 332, vol. I.

* Before any one becomes a common-law judge, it is the usage for him to become a serjeant, a common-law judge being supposed to be chosen always from those who are of the *coif*. On the occasion of taking the oaths as serjeant, the rings are given.

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For his motto as a peer he chose the sentiment of—

"Sit sine labe decus."

The subject of his first speech as a noble legislator was characteristic of his past, and an apt omen of his future life. He spoke in favour of a continued suspension of the Habeas Corpus Act.

As a common-law judge he acquired great and deserved reputation. His great legal learning enabled him easily and accurately to discharge the duties of the office, while the course of the business which came before him and on which his decision was demanded, prevented his mental weakness from coming into play. The observation of Mr Twiss on this point is accurate and important:

"The days of his Chief-Justiceship, though they lasted only from July 1799 to April 1801, contributed greatly to his fame. On the bench of a common-law court no scope was allowed to his only judicial imperfection—the tendency to hesitate. A common-law judge, when he has to try cases at Nisi Prius, or indictments in a Crown Court, must sum up and state his opinions to the jury on the instant; and when he sits in bank with his brethren to decide questions of law, must keep pace with them in coming to his conclusions. Thus compelled to decide without postponement, Lord Eldon at once established the highest judicial reputation — a reputation, indeed, which afterwards wrought somewhat disadvantageously against himself when Lord Chancellor, by showing how little ground there was for his diffidence, and consequently how little necessity for his doubts and delays."—P. 340, vol. I. (See also p. 324, vol. III.)

The time had now arrived when Lord Eldon was really to play the part of the King's friend, and to fulfil the promise he had given to accept the Great Seal when called upon. Mr Pitt had carried the Union with Ireland, partly by bribery, partly by promises; among the chief of the latter was that of Catholic Emancipation. The King's conscience allowed him to permit these promises to be made, and to derive from them the benefit which they tended to produce, by facilitating the Union. But his conscience having stretched itself thus far, that is, just so far as was useful to himself, suddenly contracted, and he found it impossible to permit the promises to be fulfilled which he had allowed to be made. Mr Pitt's honour and conscience, which allowed him without hesitation to bribe more than half the aristocracy of Ireland, and actually to buy for a price the votes of a majority of both houses of the Irish parliament, suddenly became restive and inconvenient, and would not suffer him to go back from his promise of emancipating the Catholics; he therefore declared to the King that he must resign his position as Minister unless he was allowed to give effect to the pledge he

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had solemnly given to the Irish nation. The King, believing that he could play against Mr Pitt the game that with Mr Pitt's assistance he had successfully played against Mr Fox, applied to "the King's friends" again, at the head of whom stood Lord Eldon. Mr Pitt's resignation was accepted; Mr Addington became Prime Minister, and Lord Eldon Lord Chancellor. "I was the King's Lord Chancellor," said Lord Eldon, "not the Minister's." Again he says—

"I have mentioned the fact as to my undertaking to his Majesty in 1799 with respect to the Chancellorship, that it may be known to my family that I was indebted for that office to the King himself, and not, as some supposed, to Mr Addington; and as some of Mr Addington's friends supposed."

More than thirty years after he gave Mrs Forster this description of the circumstances attending his receiving the seals:

"I do not know what made George the Third so fond of me; but he *was* fond of me. Did I ever tell you the manner in which he gave me the seals? When I went to him he had his coat buttoned over thus (one or two buttons fastened at the lower part), and putting his right hand within, he drew them out from the left side, saying, 'I give them to you *from my heart.*'"

Whereupon his biographer amusingly enough remarks:—

"It seems probable that the unusual demonstration with which the King accompanied the transfer of the Great Seals to Lord Eldon may have partly been occasioned by the then unsettled state of the Royal mind; for his Majesty immediately afterwards became so seriously indisposed as to be altogether incompetent to his public duties."—P. 368—369, vol. I.

The years which followed were distinguished by remarkable events. The Catholic claims were steadily resisted; an insurrection took place in Ireland, and at once was put down and severely punished. The scenes of horror which were enacted in that unhappy country have left a stain upon our annals which nothing can erase: the consequences still remain in the hate which the great mass of the Irish people yet bear to their connexion with England, and the difficulties which we at this time experience in our attempts to govern and satisfy this discontented part of our dominions is mainly attributable to those heats and animosities which the atrocities of that time naturally created and amply justified.

Peace was proposed by Napoleon, and accepted by us, not from any desire to establish concord among the nations, but from sheer exhaustion and ill success. No sooner was peace established, than a scramble for power took place. The King almost immediately became insane, and all was inextricable con-

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fusion and turmoil. In this strife the Chancellor bravely bore his part. To his leader, Mr Addington, he appears to have entertained no peculiar favour; his longing eyes were turned to Mr Pitt, and his endeavours were directed to the formation of a ministry of which he should be head, to the exclusion of the friends of Mr Fox and Lord Grenville. In this he succeeded; still retaining the seals and the keeping of the Royal conscience, which in those times was a perilous office, and one demanding no ordinary courage and skill. It is impossible to hide the fact, that during the whole of the intrigues that preceded Mr Pitt's return to power, the King, if not absolutely and visibly insane, was in a state that required constant and watchful attendance; that he was really incapable of any mental labour, and that he was, by the manœuvring Chancellor and Mr Pitt, quietly cajoled. The same game was played after Mr Pitt had regained office, and up to the hour of Mr Pitt's death. King George the Third reigned in name, but the power, in fact, was in the hands of Mr Pitt, who, by the aid of Lord Eldon and the mad doctors, kept the vacillating and diseased mind of the monarch in sufficient control to enable him to undertake and perform the mere formal duties of his station.

"Hence," as Lord Brougham correctly and pithily remarks, "we see that the exigencies of this form of government not only imply the Monarch exercising his discretion upon subjects wholly above the reach of his understanding on many occasions; not only involve the necessity of the most difficult questions being considered and determined by one wholly incapable by nature, or unfitted by education, to comprehend any portion of them; not only expose the destinies of a great people to the risk of being swayed by a person of the meanest capacity, or by an ignorant and inexperienced child; but occasionally lead to the still more revolting absurdity of a Sovereign directing the affairs of the realm—conferring with the keeper of his conscience *circa ardua regni*,—while a mad doctor stands by, and has his assistants and the apparatus of his art ready in the adjoining chamber to keep, by the operation of wholesome fear and needful restraint, the royal patient in order, and prevent the consultations of politic men from being chequered with the paroxysms of insanity."

The conduct of the Chancellor with respect to the unfortunate Princess of Wales was in perfect accordance with the ordinary morality of ordinary politicians. While he was chief of "the King's friends," and the King was sufficiently sane to have a will of his own, it was necessary for the Chancellor to be the friend also of the Princess, whose part the old King had warmly espoused, against his own profligate and contemptible son. Lord Eldon, therefore, and Mr Percival, were her active and

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chief advisers; and it is said that by their immediate counsel the unhappy lady was induced to make an appeal to the world at large, by publishing what was in those days significantly termed *the Book*. This, however, has been strenuously denied, and the denial was of importance to Lord Eldon in succeeding times. For when the king became so mad as to render it impossible longer to put a cloak upon his malady, the Prince of Wales became powerful. The Queen also, from her influence over the mind of her son, rose in the scale of importance. Now, it was well known that no person, except the Prince of Wales, hated the Princess with so bitter and vindictive a hate as the Queen. In such circumstances the Chancellor saw no room for doubt; he at once deserted the unfortunate and unprotected lady, who was the object of such powerful animosity. When his advice and support were most needed, they were suddenly withdrawn. The really helpless could not hope for his assistance, and yet the words honour, and conscience, and loyalty, and truth, and charity, were ever on his lips!

The sequel of this piteous story is well known. The brand of scorn has been burned in upon the characters of those who enacted the dastard's part in this woeful tragedy, by the indignant defender of the ill-fated victim. Justice has added strength to Lord Brougham's bitter rebukes, and given an edge and sharpness to his satire, which even his genius without that aid could not have produced. No remark of ours can increase the well-merited obloquy with which the world has visited all who took a part in the persecution which afterwards followed. They, and the cruel and profligate master whom they too faithfully served, are indeed damned to everlasting and well-merited infamy.

Mr Pitt's death broke up the administration of which he was the head. The King was no longer able to exclude Mr Fox from office, and the Whigs, after a long exclusion from power, again occupied the high places of the State. Lord Eldon necessarily resigned. As the old King said, "you cannot stay when the others have run away." He was not, however, doomed at this time to any long retirement. Mr Fox died in 1806, and in March, 1807, the King was able to play his old game against an administration which he detested. The old cry of "the church in danger" was raised, "no Popery" was shouted forth in all loyal assemblies, and the Whigs were turned out because they would not give a written pledge that they would propose no further concessions to the Catholics. They who returned the majority of the House of Commons coincided with the King, and the new administration which he had chosen were able to keep out their opponents, and carry on the government.

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Of this administration the Duke of Portland was nominally the head. Yet Lord Eldon, spite of the ability of Mr Canning, who formed a portion of it,—spite also of the influence of Lord Castlereagh, was, in truth, the chief. His influence with the King was unbounded; over the Queen he exercised an extraordinary authority. His situation gave him besides a means of constant approach to the royal ear, while the personal regard of many members of the royal family towards him, made him an important participant in all the intrigues that were continually being carried on within the royal circle. While the King was sufficiently sane to be under such control, that the government could be carried on in his name, the Chancellor, though not so in name, was in reality the chief adviser of the Crown. In 1809 the Duke of Portland became so ill as to desire to resign the reigns of power; quarrels took place in the cabinet between Mr Canning and Lord Castlereagh, and the administration went to pieces. It was, however, reconstructed by the skill and influence of the Chancellor. Mr Percival was appointed as his prime minister. The Duke of Portland dying, Mr Canning retired, and all things proceeded as before, until 1810. The term of the Chancellor's political career seemed now drawing to a close. The illness of the King became more decided; he was unable even to perform mere formal acts of sovereignty, and it was absolutely necessary to appoint a Regent. The Whigs, who had long been the personal as well as political friends of the heir apparent, hailed his advent to power as the sure signal of their own return to office. Never was disappointment more complete, more bitter, or less cared for by the public, than that of the Whigs when the Prince of Wales was appointed Regent. The King's illness not being yet deemed of a permanent nature, the powers of the Regent, restricted in many particulars, were conferred only for a year. The Prince taking advantage of this circumstance, declared his intention of continuing the ministry of the King in office, giving, in a letter to Mr Percival, this plausible reason for so doing, that, "actuated solely by filial duty and affection, and dreading lest any act of his might in the smallest degree interfere with the progress of his father's recovery, he felt it incumbent on him, at this precise juncture, to communicate to Mr Percival his intention not to remove from their stations those whom he found there as his Majesty's official servants." When the year of restrictions had passed away, the Regent found that "he had no predilections to indulge, no resentments to gratify," which being interpreted, signified that he meant to retain the King's old advisers and his former opponents, and to exclude the expectant Whigs, his long devoted friends. His obligation to them he thought satisfied by a cold expression

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of "the gratification he should feel, if some of those persons with whom the early habits of his public life were formed, would strengthen his hands and constitute a part of his government." The indignant Whigs refusing to accede to this offensive proposal, affairs went on in their accustomed train. The Regent became the friend of the very men against whom, in former days, he had been accustomed to utter expressions of violent, aye, and polished as he was supposed to be, of the most vulgar and brutal abuse.* Among those whom he delighted to honour, and to whose opinion he yielded the most marked deference and respect, Lord Eldon held the chief place. Day by day the influence of the Chancellor increased; that affectionate loyalty which he had ever professed for the father was now transferred to the son, unchecked in its zealous course by any scruples as to the unworthiness of the object to whom this almost religious devotion was offered up; and undisturbed by any sense of shame at the dirty work which his profligate master required at his hands. He, like his princely master, forgot old friendships without a pang, and turning to the rising sun, laid upon the shrine of the now powerful divinity the offering of those ready services which in former times had been at the complete command of other and hostile dominations.

The succeeding events of Lord Eldon's political career are well known. The war against Napoleon, carried on to a successful termination, may truly be considered his performance. Had a less skilful master in the art of political intrigue been at the head of his party, the administration which sustained the war could not have been held together. The Whigs must then have been admitted to office, and it is probable that the offers made by Napoleon for peace would have been listened to and accepted. The cabinet, though undergoing various apparent changes, was still, thanks to the presiding spirit of the Chancellor, the same; its war principles remained unaltered, and the dreadful contest was carried to its close. If praise be deserved for this unflinching conduct, a large share of it is due to Lord Eldon. The old equity lawyer was the most efficient enemy of the great warrior upon whose will the destiny of mankind seemed at one time to depend.

When the child and champion of the French revolution, as he was called by Mr Pitt, was stricken down, they who fancied they had seen in the destruction of this monstrous offspring of that convulsion the laying of the spirit which had given it birth, believed that halcyon days were at hand, and that the change

* See note to the second series of the 'Statesmen of Geo. III.' by Lord Brougham, p. 63.

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which mortals call reform was never, in their time at least, again to take place. Peace however, although the din of arms abroad was at an end, did not return. The sudden ending of the war necessarily led to a sudden alteration in the employment of capital. Great distress was the immediate consequence, and discontent followed close upon that distress. He who in the dangerous times of '93-94 was the chief law officer of the Crown, was now, in fact, its chief adviser; the same plan was adopted in 1817—18, to put down the expression of discontent, which had been adopted in '94-95. Severe and cruel laws were put upon the statute book, and numerous prosecutions instituted to punish and silence those who were supposed to have instigated the people to discontent and complaint. In the latter, as well as the former period, the great majority of the people were opposed to violence, wished and sought no change in the forms of our institutions, but demanded, as they had been accustomed to do, a quiet and constitutional reform in the House of Commons. The desire in England for what was called equal rights, was expressed for the most part in a demand for a reform in parliament; in Ireland the same desire for equality of rights took the shape of a cry for Catholic emancipation. To the one nation and the other Lord Eldon was determined that a refusal should be given, and he therefore sturdily resisted every attempt, whether in parliament or out of it, to bring about one reform or the other. For many years he was successful, but at length, George the Fourth growing old, and desirous of ease, began to think with less of horror of an emancipation of the Catholics. The efforts of Mr O'Connell and others in Ireland had brought the people into such a state of mind as to make a further resistance of their demands difficult, if not dangerous. Mr Canning's influence, also, in the cabinet began to grow more powerful, whilst that of the aged Chancellor was verging towards a decline. At length, early in 1827, Lord Liverpool, the nominal head of the administration, being seized with paralysis, was entirely unfitted for public life, and a new construction of the ministry became necessary. The plan of the olden time was resorted to as usual, but this time without success. The great object was to keep out Mr Canning, and to prevent Catholic emancipation. The Duke of York, whose bigoted animosity to the Catholics had greatly influenced the mind of the King, was now dead, and the Duke of Wellington, in his stead, was at the head of the army. Though Lord Eldon, by the death of his Royal Highness, had been deprived of a strong support, he still believed himself sure of the assistance of his successor, and of the King. An attempt was made to raise a No-popery cry, which partially succeeded;

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but Mr Canning, nevertheless, became prime minister. Thereupon, Lord Eldon, the Duke of Wellington, and Mr Peel resigned, and the official life of the Chancellor was for ever closed. Lord Lyndhurst succeeded to the seals; the Whigs, by their support, gave Mr Canning a parliamentary majority, which circumstance, together with the excited state of Ireland, seemed to ensure the emancipation of the Catholics. These hopes were suddenly dashed by the death of Mr Canning. Lord Goderich, however, was commanded to form an administration. Of this Lord Eldon was not invited to form a part; but the Duke of Wellington was offered and accepted the office of Commander-in-Chief, which he had refused to hold under Mr Canning. Whatever might be Lord Eldon's language upon this event, it is clear that he was deeply hurt by it, seeing plainly that it portended for him still greater losses, and eternal exclusion from power. The next blow came not unexpectedly therefore, but was not the less painful on that account. Early in 1828 Lord Goderich resigned; the Duke of Wellington accepted office as premier, having Mr Peel as his leader of the House of Commons: but no place was offered to Lord Eldon. This proof that his political life was over—that his authority over the mind of the King was gone for ever—that his influence over his party was so small as to make it not necessary even to consult him; this knell of his departed power was evidently felt by him as a grievous calamity, hard to be borne. The language of his private letters shows that he considered the conduct of his former colleagues insulting and ungrateful. And we have some reason to believe, that all which might on this head have fairly seen the light has not been published; that the old man's anger broke out in terms which the policy of his friends has not thought fit to make public.

To the rest of Lord Eldon's life there is little interest attached. His feeble efforts to arrest the progress of reform attracted at the time little attention, and are now entirely forgotten. He was indeed consistent to the last, but not so successful as in younger days; in truth, his day was gone by. He had outlived not only his cotemporaries, but their prejudices; the truths which had been gradually finding their way into the minds of the generations which had grown to manhood under his eye, he had steadfastly shut out. In the language of his most distinguished successor—

"He had imbibed from his youth, and in the orthodox bowers which Isis waters, the dogmas of the Tory creed in all their purity and rigour. By these dogmas he abided through life, with a steadfastness and even to a sacrifice of power, which sets at defiance all

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attempts to question their perfect sincerity. Such as he was when he left Oxford, such he continued above sixty years after, to the close of his long and prosperous life;—the enemy of all reform, the champion of the throne and the altar, and confounding every abuse that surrounded the one or grew up within the precincts of the other, with the institutions themselves; alike the determined enemy of all who would either invade the institution or extirpate the abuse."—'Statesmen of George III,' Sec. Ser., p. 61.

He lived to see Catholic emancipation, and the emancipation of the English Dissenters, carried by his dearest political friends, many of whom had for years been his colleagues in office, and some of whom might even be called his disciples. This blow had hardly been struck, when, as if to give variety to his suffering, reform in parliament—that event which during his whole life he had warred against as the chief political calamity which impended over his country; this he lived to see brought into parliament, and triumphantly carried by his chief and most inveterate political opponents. It is difficult to say whether the achievements of his friends or of his enemies gave him the sharpest pang.

Of Lord Eldon's character as a judge the estimate on the part of those who are entitled to give an opinion is somewhat various. All allow him to have possessed great legal learning, great accuracy of discrimination, great subtlety, sagacity, and acuteness. But those who are inclined to depreciate his judicial reputation assert that he wanted some of the most important of the qualities which distinguish a great judge. They say that he possessed not that comprehensive power of mind which enables the judge to grasp at one view all the various circumstances upon which his judgment ought to be formed, and striking out all of no importance; to give to each separate item remaining its due weight, and come to a conclusion upon the combined value of the whole. That besides, when he had decided, he was not able, in clear and perspicuous language, to deliver his opinion; that his judgments are a labyrinth of doubts—stores, indeed, of vast knowledge, but in which, as in a pawnbroker's shop, things of great value, things of little value, and some of no value at all, are all heaped together in heterogeneous confusion. That his delay and everlasting procrastination became proverbial, rendering the Court of Chancery a great gulf, into which vast masses of property were swallowed up and lost, and making true the saying that dilatory justice is worse than prompt injustice.

That there is truth in these assertions we can hardly doubt, in spite of the elaborate and able defence with which Mr Twiss closes his biography. Many things have doubtless been ex-

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aggerated, some falsely asserted, and some may possibly be excused; we must nevertheless believe, that as the science of jurisprudence is by successive inquirers elaborated and improved, as its principles are more accurately stated, and become more generally known, the judicial reputation of Lord Eldon will gradually decline, and that coming generations will not be inclined to award him a high place either as a STATESMAN or a LAWYER.

J. A. R.

POSTSCRIPT.

WE have given in our present Number a condensed analysis and summary of the legislative enactments of the last session. Another session approaches; and it is time the public should take a prospective interest in its probable results. The general policy to be adopted by Ministers when Parliament assembles in February must be determined *now*. The measures to be submitted to its deliberation must now be discussed: the present is the only time for their preparation.

The initiative of another centenary of statutes, with all the vast responsibilities they involve in the consequences, for good and ill, of wise and mischievous legislation, will again be taken by a Conservative Cabinet. Nor does there appear any reason to believe that the events of another year will change materially the respective positions of parties. Out of doors, the Government of Sir Robert Peel is unquestionably losing ground; and now that the commercial interest has felt its strength, and seen that it has the means in its hands of carrying the counties, if adequate exertions be made (a fact strikingly shown by the last tables of the Population Commissioners), there can be little doubt that another election, especially if it be long deferred, will put an end to Tory ascendency. For the present, the ministerial majority is safe; it is too large to be weakened by the occasional dissensions and defections that may grow out of the squabbles of debate. A semi-liberal policy will continue to offend the ultra-protectionists and Orangemen; but in every division upon which their votes will be missed, the loss will be more than supplied from the ranks of the Opposition.

The growing political influence of the mercantile and manufacturing community has not been lost upon either Whig or

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Tory statesmen. The necessity of attempts to conciliate the *new order* has been felt; and the next session will see new overtures; but let us not be sanguine of the extent to which surrender will as yet be made by the landed aristocracy of long-cherished prejudices and personal interests.

The opportunity for noting the strength of these, and the progress of opinion in matters of commercial legislation, if any should have been made, will be given by the first question that will arise at the commencement of the next session: the question of *the immediate termination or renewal of the Income Tax;* and the result is likely to be the more satisfactory if the discussion (as far as the public is concerned) commence now,—before the intention of Ministers is announced on the subject. That intention, whenever it may be formed, will be a crisis in the affairs of the country, upon which our future fiscal policy and our future prosperity as a people will greatly depend; and we will briefly explain the grounds of our opinion.

The tax to which we are referring is sometimes called the Income Tax, and sometimes the Property Tax; but it is important to remark that these terms are not identical. The legislative aristocracy will not see, because they do not wish to see, any distinction between the value of an income arising from land or houses and one derived from professional exertions. And the object of this confusion of language, which is not accidental, has been the same which has characterized all our landlord legislation—that of throwing an unequal portion of the burden of taxation upon the shoulders of industry.

Sir Robert Peel, when he came into office, imposed two new taxes;—*a tax upon property*, correctly so called, just and equitable in principle; and *an income tax*, or a tax upon the wages of labour and the profits of trade, however precarious the source from which they might be derived;—a tax at once oppressive and inquisitorial.

Oppressive because the annual payment of 9*l.* to a clerk dependent for the support of himself and family upon a salary of 300*l.* is a burden disproportioned to his means; and unjust because a burden greatly exceeding the tax imposed upon the rich man, although nominally the same in amount.

For example;—300*l.* per annum arising from capital invested in the Three per Cents., are at the present moment worth 10,000*l.* The income of a clerk is unsaleable; it depends upon personal services, for which he may be incapacitated at any moment; and if he die, his family are beggars. Yet the clerk is called upon to contribute the same amount to the revenue as a rich man with 10,000*l.* in the funds! A system of fiscal policy

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more cruelly unjust it would be difficult to conceive, nor one in which the injustice is more clear and self-apparent; but the majority of the House of Commons, when the tax was thus unequally imposed, shut their eyes to its iniquity, and they will do so again, if the public let them.

The principle is the same if we compare the case of a tradesman with an income of 1,000*l.* derived from the profits of his business, and a nobleman with 1,000*l.* per annum derived from landed estates. The value of the latter at only twenty-five years' purchase is 25,000*l.*; the good will of a business, dependent upon the innumerable accidents of trade, will rarely sell for more than five years' purchase. The relative position, therefore, of the tradesman and the nobleman in the case supposed is as one to five, and the operation of the present Income Tax is as five to one in favour of the nobleman.

At the end of three years each will have paid 90*l.* to the revenue, the one out of a property worth 5,000*l.* at the time the tax was imposed, the other out of a property worth 25,000*l.* at the same period.

The inquisitorial and vexatious character of the Income Tax requires no explanation; but it has also a demoralizing influence. The full weight of the burden is only felt by the honest man; the less scrupulous may with facility save half the amount by fraudulent returns, and defy every attempt to prove their inaccuracy. The tax is therefore a premium upon dishonesty.

None of these objections apply to *the Property Tax*, and this fact cannot be too seriously weighed by the public. Experience has now shown that a tax upon incomes *derived from real or funded property* is of all taxes the one which may be collected with the least trouble and expense; while attended at the moment of payment with the least annoyance. In the case of houses or land it is collected from the occupying tenant; who pays it cheerfully, because he is authorised to deduct the amount from his landlord's rent. The landlord, in turn, when his estate is mortgaged, deducts it from the interest due to the mortgagee. There is no inquisition into his resources or incumbrances; and yet no opportunity is given him of evading a fraction of the legal demand.

The only inconvenience connected with the Property Tax has been that arising from the necessity of returning sums collected, to the class with incomes under 150*l.* exempt from the operation of the tax. To meet this difficulty we would say give up the exemption rather than part with the principle of direct taxation, now fairly established. And why should any incomes, however small, arising from real or funded property, be exempt? No man with a 1,000*l.* in the funds or in houses, which he can convert at

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any moment into ready money, is a poor man. It is false sympathy to insist upon relieving such a man from the payment of 17s. 6d. per annum (the Property Tax upon a dividend of 30*l.*), while the *indirect taxation* of the country reduces industry to destitution, and the really poor starve. Abolish instead the taxes and restrictions upon trade, which take much more than 17s. 6d. per annum from even the humblest day-labourer. There is not a poor family in the kingdom that would not save more than 17s. 6d. per annum by a reduction of the duties on tea alone. Of bread we need say nothing.

A general revision of the fiscal policy of the country has been promised, but no change of real importance can be effected if the principle of *direct taxation* be not upheld. We protest, therefore, against the thought, if any such be entertained by government, of giving up that portion of the Property Tax which is really a tax upon property. It was granted for three years; but having been proved to work well, let it now be made perpetual; let it, if necessary, be raised from 3 per cent. to 5 or even 10. But the *Income Tax*,—that portion of the tax which is laid not upon wealth but upon industry,—which applies the same rule to fluctuating sources of income as to those which are fixed, must be abandoned as wholly indefensible. It would be unwise to attempt even to modify it, so as to retain it in part. It would not, for instance, be sufficient to say "the Property Tax shall be 5 per cent., and the Income Tax 1 per cent." This would not get rid of its characteristic feature,—the prying into men's private affairs, which will ever be intolerable to Englishmen.

If it be insisted as reasonable that commercial and professional men should not be wholly excepted, we would rather urge an extension of the licensing system (excluding magisterial interference) to the annoying collection of a per centage contribution to the revenue from fluctuating incomes. Spirit dealers, soap makers, and others now pay an annual licence tax for permission to carry on their trade or manufacture. Licences might be required from other dealers or manufacturers, and from all professional men, as millowners and merchants, shopkeepers and physicians. Solicitors now pay in this form about 155,000*l.** per annum; and similar large sums might be

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* Annual Certificates cost the Profession about . £92,000
Admission Tax, about 9,500
Article Tax, about 54,000

Total Tax on Solicitors, per annum . . £155,500

The injustice of an Income-Tax, in addition to the above, is very striking.

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thus raised from other classes, and yet the change from the present system be highly satisfactory to all parties it would affect. But it is an unwise impatience that hastens to tax productive industry in any form. Sooner or later the profits of capital and the savings of labour are invested in lands, houses, or government securities. Wait till then, and they become taxable as property; and the fund to be taxed will not have been lessened by a judicious non-interference with its early accumulations.

If the Property Tax be retained, a wide field of fiscal improvement will be opened to government, into which they might otherwise refuse to enter, on the plea of the necessities of the revenue —a plea the unreflecting portion of the public would possibly admit. The following table will show the amount of revenue involved in the question at issue. :—

PROPERTY TAX,

OR TAX UPON INCOMES ARISING FROM REAL AND FUNDED PROPERTY, AS COLLECTED FOR THE YEAR ENDING APRIL 5, 1843.

SCHEDULE A.

	Income.	Tax.
Land, Tenements, &c., England	£73,728,429	2,150,412
Ditto for Scotland	9,284,383	270,794

SCHEDULE C.

Annuities, Dividends, &c., England	27,873,691	812,983
Ditto for Scotland*	2,340,479	37,059
	£113,226,982	£3,271,248

* There are no returns yet completed for Scotland showing separately the amount produced under each schedule, but the gross produce of the property tax in Scotland was 394,324*l.* In the above tables we have divided this amount among the five schedules, following the proportions of the English returns, but of course the items for Scotland, as thus given, must be regarded but as an approximation to the correct sums. Those for England only are strictly exact. *The complete returns for England and Scotland, for the year ending April* 1844, *have been withheld by government.*

Assuming the incomes under 150*l.* to be about one-fourth the amount of incomes exceeding 150*l.* (as in 1801) it follows that the total income of *Great Britain* from all sources is 250,000,000*l.* In 1801 the assessment for *England* was as follows :—

Incomes above £150	£56,571,654
„ under £150	18,105,240
Total	£74,676,894

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INCOME TAX,

Or Tax upon Profits, Salaries, and other precarious Sources of Income.

SCHEDULE D.

	Income.	Tax.
Profits and Gains, England . .	£50,296,645 .	1,465,985
Ditto for Scotland	1,404,287 .	61,765

SCHEDULE E.

Public Offices, &c., England . .	8,936,831 .	260,657
Ditto for Scotland	468,095 .	12,353

SCHEDULE B.

Occupancy of Lands and Tenements, England.	20,486,606 .	298,763
Ditto for Scotland	468,095 .	12,353
	£82,060,559	£2,111,876

The intolerable pressure of the Income Tax upon trades and professions (affected besides by indirect taxes upon every material employed in manufacture, and consumed by the public) will render any attempt to renew it unpopular out of doors; and the danger to be apprehended is, that the ruling aristocracy will take advantage of this unpopularity to confound the Property Tax with the Income Tax, and so get rid of the only burden which for a long series of years has been placed upon the right shoulders. Adieu, in that case, to every prospect of a really comprehensive and statesmanlike revision of the general taxation of the country! Some tinkering may be attempted, but the essential features of the existing system will remain,—one of mischievous excise restrictions, and taxes upon the necessaries of life.

We are, at the same time, very far from denying that the system might not be improved without reference to the Property Tax, or any sacrifice of revenue. There are many fiscal improvements which might be adopted without the loss of a shilling to the Treasury, and which a wise government would seek the means of effecting, if only for the sake of increasing or maintaining their influence with the public.

We might point out many measures of this class, but spare ourselves the labour, and confine ourselves to a case in which an attempt was made to rouse the present government to a sense of

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its true policy, without success. We allude to the window duties, or duties upon light and ventilation;—the tax which to multitudes of human beings shuts out the sun, and compels them to breathe, in darkened rooms, a poisoned air. The case may be briefly described by an extract from the evidence printed by the Health of Towns Commissioners * with their first report:—

"The window duties, as now assessed, operate as a premium upon defective construction. The legislature now says to the builder—Plan your houses with as few openings as possible; let every house be ill ventilated by shutting out the light and air, and as a reward for your ingenuity you shall be subject to a less amount of taxation than your neighbours. The Board is of course aware that windows are now charged by a scale; the tax increasing at an average rate of about 8s. 3d. for every window, whether large or small. Hence the number of windows in a house becomes to builders of second and third class houses a very serious consideration. Supposing a house to contain twelve rooms, if, to make these rooms cheerful and pleasant, I have put two windows in each room, and thereby ensured a current of air passing from front to back, the window tax for that house amounts to 7*l.* 5s. 9d.; but if I have put but one window to each room, the window tax is but 2*l.* 4s. 9d., showing a difference of 5*l.* 1s. per annum; and I need scarcely say, that a difference of only 10s. per annum is quite enough to influence builders of cheap houses in trying to save such a sum. But the same considerations affect the building of even first-class houses. I have been offered a rent of 210*l.* per annum for a house unbuilt, on condition that the plan should be altered so as to reduce the amount of the window tax, for which the house would otherwise be liable. The consequence is, that in the majority of new houses one large window, of the largest size allowed,† is made to serve the purpose of two windows; and privies, closets, passages, cellars, roofs, the very places where mephitic vapours are most apt to lodge, are now left almost entirely without ventilation. An opening only a foot square, even if intended merely to admit the air, and not glazed against the weather, makes the house liable for an additional 8s. 3d. per annum.

"Houses having less than eight windows are exempt; but the window-tax is not therefore inoperative as regards the working classes of towns. In London the poor do not live in cottages, but several families occupy lodgings in the same house, and that, perhaps, a house built with the maximum of untaxed windows allowed by the law. One more window would possibly let a little sunshine

* See the evidence of W. E. Hickson, Esq., page 238 of the 8vo edition, vol. ii.

† This is especially the case with staircases; the walls are weakened by a narrow window twelve feet in length, instead of two or more smaller windows with a bond of brickwork between them.

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into a sick room, but the landlord says, 'No, the house would then have eight windows, and I should be liable to a tax of 16s. 6d. per annum.' If the Commissioners would examine personally the houses in which the poor live in the close courts and alleys of the metropolis, they would be surprised at the number of dark staircases and filthy holes, which, although on upper floors, are quite as ill ventilated and unfavourable to health as the cellars of Liverpool. And the permanent cause of this state of things is the option given to builders and lodging-house keepers of saving money in taxation by shutting out air and light."

The cause suggests the remedy. The legislature have only to modify the mode of assessment in such a manner that the option referred to shall be taken away,—that the windows charged for shall be in proportion to the space enclosed or the number of rooms, and the power of evasion would cease. The occupant of a house who now blocks out the light from twelve windows to save 5*l.* 1s. per annum, could not or would not pull down or destroy twelve rooms to effect the object.

This simple mode of improving the healthfulness of the inferior class of habitations in great towns was pressed upon the attention of the Earl of Lincoln when the new building act was under discussion. The Earl of Lincoln declined to interfere with the province of the Chancellor of the Exchequer, and two applications made to Mr Goulburn failed, as will be seen, to convince him that the subject was one of the slightest moment.*

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* We take the following account of the first interview with Mr Goulburn, from the 'Morning Chronicle' of May 2, 1844:—

"On Saturday, at two o'clock, a deputation from the Metropolitan Improvement Society, headed by Dr Southwood Smith, and from the Master Carpenters' Society, headed by Mr Biers, had an interview with the Chancellor of the Exchequer, in Downing street, on the subject of the window duties. The two deputations were introduced by Mr H. Gally Knight.

"Dr Southwood Smith explained the object for which the interview had been desired. The attention of the medical profession and the public, as well as of her Majesty's sanatory commissioners of inquiry, had of late been much directed to the close connexion of fever, scrofula, and other diseases with the defective ventilation of houses. Air and light were as essential to a healthful condition of animal life as food. The purity of the air breathed in towns, it had been shown, was greatly impaired by the want of perfect drainage, but this evil was further aggravated by the want of a sufficient number of openings in the walls of inferior houses, which would allow injurious gases to escape, and the pure air and light of heaven to gain admission. This defect, it appeared, was occasioned by the existing mode of assessing houses to the window duties, the tendency of which was to discourage ventilation, by causing houses to be built with the minimum of untaxable windows allowed by the law, and by inducing the occupiers of lodging houses and others to block out as much light as they could possibly do without.

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The reader will, perhaps, be of a different opinion if he will procure the two volumes of evidence published by the Health of Towns Commission (perhaps the most valuable work that ever emanated from a government Board), and read there the testimony of Dr Arnott, Dr Guy, and Mr Toynbee, surgeon of St George's Dispensary, on the influence of defective ventilation as a cause of disease.

Their evidence (which every one should peruse who consults his own health or the health of his family) establishes the important fact that tubercular consumption,—the disease which has been called the scourge of the English climate, is not traceable to climate, but chiefly to the impurities of air breathed by those who

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"Mr Joseph Toynbee said, that as one of the surgeons of Saint George's Dispensary he had been led, by the frequency of scrofula cases among his patients, to investigate the causes of that disease, and he had no hesitation in saying that the chief cause was the repeated respiration of the same atmosphere in ill-ventilated and over-crowded apartments—low diet, bad clothing, and want of personal cleanliness, were accessories only. He had often succeeded in hastening the cure, and preventing the further spread of the disease among the families he visited, by simply introducing in their close rooms ventilators of perforated zinc plates. The proper place for these ventilators was in the upper part of a window, but he had often found windows stopped up to avoid the window tax; and the landlord usually objected to making any new opening in the walls, lest his assessment should be raised.

"The Chancellor of the Exchequer inquired whether the gentlemen composing the deputations had ascertained the comparative mortality of towns abroad with that of towns at home, and if they could undertake to prove that there was less mortality in countries where the window tax was unknown, as in Ireland, for example, than in Great Britain.

"Dr Southwood Smith replied that no such comparison had been made, because it would not be a fair one. The mortality of towns was the aggregate result of many influences. One source of disease was impure air, and that might be produced from various causes, all of which should, if possible, be removed.

"Mr W. E. Hickson said that if one only predisposing cause of disease could be removed, it was surely the duty of the legislature not to neglect it. Scrofula, which had been alluded to, prevailed to a frightful extent among the children received into the London unions; many of them were the most piteous objects that could be imagined, and had, immediately on their admission, to be sent to some sea-bathing infirmary. The present application was for the same object as that of one in 1834 to Lord Althorp, when that noble lord was Chancellor of the Exchequer. Lord Althorp then promised that although he could not part with the window duties, he would abate the evils they occasioned. An act was accordingly passed, 4th and 5th William IV, chapter 54, which allowed new windows to be opened free of duty; but it had since been rendered nugatory by the strict interpretation given to the words, 'Duty assessed on the 5th of April, 1835.' The lawyers had proved that no one was duly assessed in 1835.

"The Chancellor of the Exchequer observed that it could not have been

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live by day in crowded workshops, or in ill-drained neighbourhoods, or sleep by night in close, ill-ventilated bed-rooms; and that fever and scrofula, where they prevail the most extensively, are to be referred less to low diet than to the same cause. Life or death may be inhaled by the lungs, according to the properties of the gases present in the atmosphere, or the minute morbid particles held in suspension at the time of inspiration. Hence "the pestilence which walketh in darkness."

Dr Southwood Smith and Mr Toynbee, accompanied by a highly-respectable deputation, waited upon the Chancellor of the Exchequer on the 22nd of May, to explain these facts; and to urge that as one means of improving the ventilation of habitations, the window duties might be so modified (not repealed) that there

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the intention of the legislature to allow the benefit of the act to those who had evaded payment of the duties.

"Mr Biers said the case was not one of evasion, as the public could not fairly be assumed to be the proper judges of the validity of assessments. Occupiers of houses paid the duties demanded, and it was the business of the assessor to examine every house and to assess each to the right amount. In his own case a mistake had been made prior to 1835 of one window, upon which it was decided that he had not been duly assessed, although the mistake had been made, not by him, but by the assessor. With regard to the ventilation of houses, he would say, as a practical builder, that but for the tax he should never erect a house without introducing perhaps four lancet-shaped windows in those parts of a basement where light and air were now excluded to avoid the additional duty of 8s. 3d. upon each opening.

"Mr Gally Knight laid before the Chancellor of the Exchequer the draft of a short bill, embodying the views of the societies represented by the two deputations. It proposed not to repeal the window duties, but to amend the 4th and 5th of William IV, chapter 54, by enacting that no existing assessment should be raised from any cause whatever, that all new windows should be free from charge, and that in newly-built houses only a fixed and defined number of windows should become liable to the tax, allowing an unlimited number of untaxed openings for light and air. The rule proposed was, that one window only should be chargeable in every 300 feet of flooring on each story, but this was matter of detail. There were, perhaps, other and equally simple means of effecting the object, if the government would adopt the principle of the measure recommended.

"The Chancellor of the Exchequer said that if builders would make it their business to study the subject of ventilation, he entertained no doubt that they would find it possible to ventilate houses without any alteration of the window duties. Scrofula, he could bear witness himself, existed in the cottages of the peasantry, which were exempt from window duties. It was easy to propose an alteration in any tax, but difficult to foresee the new evils to which the alteration might give rise. The new mode of assessment proposed might be open to many objections, but if the bill were left with him, he was certainly willing to give it his consideration.

"The deputations then withdrew."

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should no longer be the disposition or the power, on the part of occupiers or builders, to dispense with window openings to avoid taxation.

The deputation were received with courtesy, but, greatly to their disappointment, Mr Goulburn intimated (in the politest possible terms) his entire disbelief in the statements of the professional gentlemen before him. "The window duties," he said, "did not affect the cottager; and he had seen numerous instances of scrofula in his own neighbourhood among the families of the agricultural peasantry."

Doubtless he had seen them; but those who take more pains than a Chancellor of the Exchequer to learn how the families of the peasantry live, know that Mr Goulburn's fact does not at all affect the theory he disputed, but rather confirms it.

A labourer, if he have two bed-rooms, will invariably, to make his 10s. per week 11s., let one of them to a single man. In the one room left are the beds of the labourer, his wife, and all the young children. Having no money to buy fuel, the family close up the chimney if there be one, carefully paste over every crevice of the door or window to keep out the cold, and the fresh air being thus excluded, the atmosphere in a few hours becomes so vitiated by repeated inspirations that every breath carries with it the seeds of disease.

The tender nursling of the aristocracy often perishes from the same cause;—is killed by misdirected kindness. It is known that a canary bird in a cage, placed at night within the closed curtains of a tent bed in which two persons are sleeping, will be found dead in the morning. We yet place childhood in similar situations, in which every breath inspired is nearly as fatal to health as if it contained the fumes of arsenic.

Granted that neither of these are cases affected by the window duties, is it not obvious, that whenever air and light are blocked out to avoid the window duties, the same process is repeated,—and that the process is death?

The Chancellor of the Exchequer, however, entrenched behind Mr Wickham, the Chairman of Stamps and Taxes, who was present at the interview, had another answer to the deputation, which at the time admitted of no reply. Mr Wickham stated that the deputation were in error upon a material point, and that houses might be ventilated by *perforated plates of zinc*, which would not be liable to duty, although placed in external walls.

We pray the reader to note this as an instance of those hasty and often wholly unwarranted assertions, common to official men, by which great measures of public improvement are often defeated, for the mere object of getting a minister out of a temporary dilemma.

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A correspondence ensued between Mr Biers, the President of the Carpenters' Society, and the Board of Stamps and Taxes, in which Mr Pressly, the secretary, stated, by order of the Board, that perforated plates of zinc would be chargeable, "if so perforated as to afford light, but not if so as to serve the purpose of ventilation only."

The allusion here, it is supposed, is to some kind of zig-zag opening which should admit the air by a winding course, and prevent the light passing through in a direct line; but such a contrivance, although practicable in a thick castle wall, is obviously not so in the thin walls of a third-rate house. In reply to further inquiries from Mr Biers, how perforations were to be made that would admit air and yet exclude light, the Board declined to give any information.

A mistake had evidently been committed by Mr Wickham, and one of such serious moment that it was deemed sufficient to lay it before the Chancellor of the Exchequer, to ensure the adoption of at least some partial and really practicable mode of relief. The case was stated by Mr H. Gally Knight, on the part of the Metropolitan Improvement Society, in a letter which concluded with the following inquiries:—

"1. Whether her Majesty's government will introduce any measure corresponding in principle with the draft of the bill left with the Chancellor of the Exchequer, of the 27th April alluded to, for fixing *a maximum* to the existing window duties beyond which new openings might be made for light and ventilation without subjecting the occupants to additional charges?

"And should the Chancellor of the Exchequer not be prepared with any such measure, whether, 2. Government will pass a short bill to exempt from taxation, upon sanatory grounds, all unglazed openings in basement stories and closets of every description, that the evils complained of from defective ventilation may in some degree be palliated, if not wholly removed?

"Either measure might be so framed as to be attended with little or no loss to the revenue, and the former especially would be gratefully received by the public as a most valuable boon."

REPLY OF THE CHANCELLOR OF THE EXCHEQUER.

"Downing street, June 26, 1844.

"My dear Sir,—I have received the memorandum which you have enclosed to me from the Metropolitan Improvement Society. I can have no difficulty in declining to sanction either of the alterations of the law relative to the window tax which they have submitted to me, it being evident that either of them, if acceded to, would enable parties to have windows without the payment of the tax.

"There has been no mistake, as the parties suppose, on the part of Mr Wickham, in stating that openings for ventilation might be made which would not be chargeable as windows, and I cannot

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think it at all inconsistent with such a statement to decline expressing beforehand a general opinion as to whether certain openings when made would or would not be considered as windows, and as such liable to charge.—Yours ever, my dear sir, most truly,

"HENRY GOULBURN.

"H. Gally Knight, Esq., M.P."

From the tone of the above, one might fairly infer that to desire the untaxed enjoyment of light and air, to any extent, however small, is a moral offence in the eyes of a Chancellor of the Exchequer; and that the Health of Towns Commissioners deserve to be put in the stocks. The letter would also appear intended to teach the public that it is wrong to seek such a clear explanation of the law as would guard them against its infraction; and that a Government Board is quite justifiable in "declining to give any opinion beforehand;" but we will confine ourselves to the sentence in which Mr Goulburn denies the mistake of Mr Wickham, and repeats the statement, that openings may be legally made for ventilation which would not be chargeable as windows.

Unaccountable as it may seem, the Chancellor of the Exchequer and Mr Wickham are both in error on this material point, so pertinaciously maintained; and the proof is so striking, that we doubt not we shall be able in a few words to demonstrate the fact.

In the first place, there is no special provision in any one of the acts relating to the assessed taxes for excepting openings of any kind (zig-zag openings nor any other) made for purposes of ventilation in dwelling houses, from the duties chargeable on windows.

In the second,—the 38th Geo. III, chap. 40 expressly provides that all openings in external walls not chargeable as windows or lights shall be stopped up with brick or stone, or the materials of which the walls are composed. Under this act a gentleman at Croydon, who wished to rid himself of mice, was lately surcharged for a small hole in his cellar, made to admit a cat; and there is no exception in favour of perforated plates of zinc in any general act.

In the third place, both these facts were admitted by the legislature this very last session, in the passing of a local act for the protection of property in the borough of Liverpool from fire (7 and 8 Victoria, chap. 51). In this local act a provision was introduced (clause 10) for allowing circular ventilating apertures of not more than seven inches in diameter, "provided such aperture, if made in a direct line, is protected by a grating of cast iron, the interstices of which shall not exceed one-quarter of an inch in width."

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This then is the state of the law;—*a circular aperture seven inches wide, protected by an iron grating,* may now be made in a cellar at Liverpool for the escape of foul air; but if made in a cellar in London, it is chargeable as an additional "window or light."

This trifling concession to the sanatory interests of the people of Liverpool, obtained through the interest of private parties, was, as we have seen, *formally refused to the public.*

But ventilation cannot be perfect without the influence of the sun's rays, to rarefy the air and produce a current and we cannot have darkness or gloom without dirt and filth. The sanatory properties of light, apart from the question of ventilation, form another important consideration.

The public are familiar with the fact that light is essential to vegetation—that the fruits of the earth will not ripen without the rays of the sun, and that their influence is sensibly felt in an exhilaration of the animal spirits. But it is now beginning to be understood by medical practitioners, that a deficiency of light is as injurious to the health of animals as it is to the growth of plants, and is a check to the full and perfect development of all organic structures, vegetable or animal. Upon this head some important testimony was given by a distinguished surgeon, Mr Ward, to the Health of Towns Commissioners.

"Dupuytren (I think) relates the case of a lady whose maladies had baffled the skill of several eminent practitioners. This lady resided in a dark room (into which the sun never shone) in one of the narrow streets of Paris. After a careful examination, Dupuytren was led to refer her complaints to the absence of light, and recommended her removal to a more cheerful situation. This change was followed by the most beneficial results; all her complaints vanished. Sir James Wylie has given a remarkable instance of the influence of light. He states that the cases of disease on the dark side of an extensive barracks at St Petersburgh, have been uniformly, for many years, in the proportion of three to one to those on the side exposed to strong light. The experiments of Dr Edwards are conclusive. He has shown that if tadpoles are nourished with proper food, and exposed to the constantly renewed contact of water (so that their beneficial respiration may be maintained), but are entirely deprived of light, their growth continues, but their metamorphosis into the condition of air-breathing animals is arrested, and they remain in the form of large tadpoles. Dr Edwards also observes, that persons who live in caves and cellars, or in very dark and narrow streets, are apt to produce deformed children; and that men who work in mines are liable to disease and deformity beyond what the simple closeness of the air would be likely to produce."

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The author of a philosophical work of somewhat rare merit,* in dwelling upon the influence of light upon animal formations, remarks, that—

"Some poor people having taken up their abode in the cells under the fortifications of Lisle, the proportion of defective infants produced by them became so great, that it was deemed necessary to issue an order commanding these cells to be shut up."

Here in England we think it no evil to turn living rooms above ground into dark cells, by our fiscal enactments. In the crowded lodging-houses of the poor there is not a dark closet that does not contain a bed; and there would be no dark closets, where they adjoin an external wall, but for the window duties.

It is much to be regretted that both the public and the government, in the days of the Reform Ministry, were so ill-informed upon the subject discussed, that when Lord Althorp was Chancellor of the Exchequer, the repeal of the house tax was preferred to that of the window duties. The repeal of both taxes however was called for,—and the government of the day, not being wholly insensible to the injurious operation of the latter, a pledge was given to remove the evils complained of in the case of all houses then built, and a bill (the 4th and 5th of Wm. IV, c. 54) was actually introduced and passed to carry out the object.

This pledge has been broken, and the clear and unmistakeable intention of Lord Althorp's act has been deliberately evaded for the sake of revenue. A brief reference to the discussions which preceded the act, and its subsequent history, will show that we do not make this statement without foundation.

"*Thursday, July* 17, 1834.

"*Mr Hume.*] I hope there is no occasion to remind the noble Lord the Chancellor of the Exchequer, of the pledge he gave us some time ago relative to the tax on windows. I am quite sure that the noble Lord is desirous of rendering it as little oppressive as possible, and that if he cannot reduce its amount now, he will endeavour to do so next session. If the noble Lord would limit the tax to its present amount, and allow every man who has paid the window rate for an entire year to continue to pay the same composition and to open additional windows, it would be a very great relief. It is not at all uncommon in old-fashioned houses which contain a greater number of windows than modern buildings, to see many windows bricked up for the purpose of avoiding the tax. If the noble Lord would redeem his pledge, he would confer a very great boon upon those parties."†

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* 'Vestiges of the Natural History of Creation,' page 229.
† 'Mirror of Parliament,' p. 2,757 of vol. for 1834.

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In reply, Lord Althorp stated that he did not remember having given any distinct pledge on the subject, but that he should be prepared to discuss the question when the Bill was in committee.

The House resolved itself into committee the following week, Wednesday, July 30, when Lord Althorp rose and said—

"I have now to beg leave to bring up a clause which was suggested to me by the hon. member for Oxford, enabling persons to open fresh windows in houses at present existing without any additional charge. As I apprehend there will be no objection to the clause, it will be unnecessary for me to trouble the Committee with any observations upon it. I will therefore only say that it cannot occasion any loss to the revenue; its only effect is *to prevent an increase of the revenue in the case of houses already existing.*"*

We direct the attention of the reader to the words in italics, because one means by which the Commissioners of Stamps and Taxes have evaded the act has been by construing it to refer not to *houses* then existing, but to then existing *occupiers.* So that in every case where an occupier of 1835 has opened additional windows under the 4th and 5th Wm., c. 54, and then removed to another residence, the Commissioners have caused the *new occupier* to be surcharged for all the additional windows; and this Mr Goulburn (who had not referred to the precise terms of Lord Althorp's speech), explained, to the deputation of May last, was both the meaning of the law and its design.

"Lord Althorp's words were, 'its effect will be to prevent an increase of the revenue in the case of houses already existing!' What effect upon the revenue has really been produced?"

Produce of the window duties for the years ending

	£	s.	d.
April 5, 1835	1,177,656	8	9
April 5, 1842	1,613,774	1	0

A large portion of this increase is of course occasioned by the new houses erected since 1835, but the full amount of the difference is not to be thus explained. The increased produce of the window duties, it will be seen, is in the proportion of nearly *two-fifths* within *seven years;* but the population returns show that the increased number of houses within a period of *ten years*, including the fourth-rate tenements which pay no window duty, is only in the proportion of less than *one-fifth*,† leaving a sum of at least 200,000*l.* per annum to be

* 'Mirror of Parliament,' p. 3,116.

† Inhabited houses in England and Wales :—

1831.	1841.
2,481,544.	2,943,939.

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accounted for by the rigid assessments of late enforced; assessments more severe, vexatious, and exacting than have ever been known since the window duties were placed upon the statute book.*

Prior to 1835 the duty of assessment had been somewhat negligently performed, and perhaps there were few persons in the country charged to the full amount of window duty for which they were liable. This, be it observed, was not the fault of the public, if fault it were, but of the government of the day. The occupiers of houses do not assess themselves to the window duty; no returns are left with them to be filled up with the number of chargeable windows, as in the case of other branches of the assessed taxes. Indeed not one person in a thousand is at this moment aware for what number of windows he is really liable; shop windows, dairy windows, and some others being exempt; and there being more than a dozen acts relating to the subject.† The assessor is a government officer, whose duty it is to count the windows of every house, and charge accordingly.

It is important to note this fact, to estimate correctly the value of state morality when it gets entangled in a question of finance.

By accident, or more probably by the sinister design of some underling,—a design to which Lord Althorp could not have been a party,—the words *duly assessed* were introduced into the 4th and 5th William IV, chap. 54. Clause 7 provides that additional windows may be opened free of duty "by every person who is or shall be *duly assessed* for the year ending 5th of April, 1835." Without suspecting the interpretation that would be put upon these words, many thousand persons in all parts of the country, set about improving the comfort and healthfulness of their habitations by opening additional windows; and what then did the government? A time had come when the treasury was empty; ministers were perplexed about ways and means; "the prince of the power of the air" flew from Somerset House to Downing street, and whispered into their ears this advice:—"A vast number of silly people have put themselves in your power by a blind credulity in the faith of an act of parliament. None of these persons were *duly assessed* in 1835; the mistake was your own, but you may profit by it; *take their money.*"

The advice was followed.

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* One contrivance is to get rid of the exemption of farm houses where a farmer takes in a lodger. The farm house in such cases is assessed as a lodging house.

† The occupier is only bound to give notice of the opening of new windows.

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In the history of modern governments we have never met with a parallel case to this gross violation of the spirit of an unrepealed act of legislation. The people of Pennsylvania have renounced repudiation; shame at last has reached them; but British statesmen have adopted the principle and yet defend it.

Every person without a single exception, who opened additional windows upon the faith of Lord Althorp's act, was surcharged for the increased number; some on one pretence, some on another; this being a very common ground of surcharge,—that former window openings had been stopped out with lath and plaster, and not with brick as required by the law.* The case was brought before the judges in innumerable shapes; but in vain. The judges ruled in favour of the injustice; deciding that whatever might be a fair and reasonable excuse for a wrong assessment, the words of the act "duly assessed" were imperative.

The act was loosely and carelessly worded; but what is said in private life of the honour of a tradesman who, in making out a bill of charges, allows himself to take advantage of clerical errors in his own favour, instead of hastening to correct them?

That the errors in this case have not been rectified, and public faith kept, is not, of course, the fault of Lord Althorp; he has retired from public life; but the present Earl Spencer is fully aware that no man is at liberty entirely to renounce responsibilities he has once assumed. Earl Spencer pledged the faith of government on the window duties, and to Earl Spencer the public may not unreasonably look for some explanation of the sense in which that pledge was given; the less unreasonably from the fact, that whatever blame the public or the present ministry may seek to throw upon the Chairman of Stamps and Taxes, as a wrong interpreter of the act, or an unsafe adviser, the appointment of

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* One of these Surcharge papers is now lying before us, dated "28th October, 1841," and its printed form, as issued from Somerset House, will prove the fact to which we have adverted,—that the public have nothing to do with their own assessment to the window duties,—and practically, therefore, could but rarely be acquainted with the fact, whether they were or were not "duly assessed." The printed words over the money column are these:—

Amount of Charge, being the Sum you would have been liable to (for the Windows hereby charged) *if the Assessor had duly assessed you.*		
£.	s.	d.

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that gentleman originated with his lordship, and not with any member of the cabinet of Sir Robert Peel.

The revenue derived from the window duties we do not desire to see wholly abolished. The burden falls upon the owners of house property, and would be borne without a murmur if imposed in a less objectionable form. To remedy the late injustice committed, we would reduce assessments to the standard of 1835, and collect them (as was proposed) in the shape of a modified house tax, or of the present *occupancy* tax, which might be increased for the purpose, and which is, in part, but the old house tax under a new name.

We submit the case as one of grave interest in itself, and as belonging to a large question of sanatory improvement which we had proposed to discuss, but the apparent hopelessness of the task has induced us, for the present, to relinquish its further prosecution. Of what avail has been all the recent agitation upon the subject of cemeteries, drainage, abundant supplies of water, or upon a really efficient plan of medical reform? A few laborious investigators, to whom posterity will decree statues, have shown how the annual mortality of the population may be diminished and the physical enjoyment of life increased by the most simple and economical arrangements, and they address a government beset with the ignorant, the doubting, and the mercenary, who exclaim at every step of contemplated progress, "there is a lion in the path!"* and who see no moral turpitude in a measure which, from the mere indolence of incapacity, robs their fellow-creatures of the pure air of heaven, and the light of the sun.

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* It is to be hoped of Sir Robert Peel, at least, that the same petty yet intense official jealousies which in the case of the postage reform diminished, as we confidently believe, the probable receipts by at least half a million per annum, and restricted the correspondence of the country more than one-third what it would have been had the measure been carried out in its integrity with increased facilities, as well as the reduction in price,—jealousies which, it is now well known, have marred the poor-law reform of the beneficent objects embraced in its first conception, may not, in the course of its more important off-shoot measures for the improvement of the sanatory condition of the population, be allowed to stand in the way of the adoption of and execution of those comprehensive improvements which, as they never have been conceived, so they never have nor will be executed by the torpid minds of men of mere routine.

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CRITICAL AND MISCELLANEOUS NOTICES.

AGRICULTURAL CHEMISTRY.

ELEMENTS OF AGRICULTURAL CHEMISTRY. By Sir Humphrey Davy. A New Edition, with Instructions for the Analysis of Soils, and Copious Notes, by John Shier, A.M., Professor of Agriculture, University of Aberdeen.

THE present work is a reprint of the admirable Lectures of Sir Humphrey Davy on Agricultural Chemistry, accompanied with an exposition of all the doctrines and methods that have been discovered on the subject up to the present time,

The character of Davy, as an eloquent, flowing, and felicitous expounder of scientific truths, is known by all the world to have been as pre-eminent as his powers of original research. Chemistry in his hands had all the fascination of the belles-lettres; his lectures in the Royal Institution divided public attention with the theatres, and the merits of his style were of that solid kind which could appear in his published writings.

These lectures were first published in 1813, after having been delivered annually for more than twelve years to the members of the Board of Agriculture. They may be considered as the author's highest effort in popularising important scientific doctrines; and in no cause could the labour and genius have been better bestowed. To open the door to the introduction of methods by which blades of grass and ears of corn might multiply far beyond the experience of any past generation, was an effort on which any man might justly pride himself.

It would have been much to be regretted if these beautiful expositions of all that was known thirty years ago on the grand processes of vegetable life, production and nutrition, had been entirely useless to the large class of knowledge-seekers in this department which now exists. Happily it is not so. The grounds and first principles of the subject have not changed amid the mass of additions that recent years have contributed.

The present editor of the lectures seems to have displayed an amount of diligence and fidelity, as well as knowledge and ability, seldom found in the annotators even of the greatest works. He has taken up every statement of the author which was insufficient, and appended to it a very clear and careful condensation of the best views which present science and observation can furnish; not a few of which are the print of his own individual experience and research. We have rarely seen a writer on science so painstaking both in matter and in expression, or so successful in making thoroughly intelligible everything whether in doctrine or description, that is meant to be conveyed. When we say that the notes are worthy of the text, we give them the highest praise that they could deserve.

Besides completing the views of Davy by those of Liebig, Boussingault, and other chemists, and the experiments of good observers, Mr Shier has inserted a number of valuable tables collected from many sources, such as the comparative nutritive power of aliments—the comparative value of fodders—the ultimate analyses of field crops—the nutritive matter of grain—the analyses, comparative values, and equivalents of manures; all of the highest importance for constant reference.

Among other points of great practical interest at the present moment, the reader will find a complete description and analysis of a great many

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samples of guano, showing the specific uses of the different kinds, and determining the prevailing character of the guanos of different localities.

On the whole, we can strongly recommend this work as a manual for the intelligent farmer, or as a most interesting and perfect exposition of the processes of vegetation and the laws of agricultural manipulation for the student of nature and art. After being so worthily edited, we think it may safely occupy the same high place in the reading of the present generation, as in its original shape it held with the previous one.

ARCHITECTURE.

THE ECCLESIASTICAL ARCHITECTURE OF ITALY, FROM THE TIME OF CONSTANTINE TO THE FIFTEENTH CENTURY, WITH AN INTRODUCTION AND TEXT. By Henry Gally Knight, Esq., F.R.S. and F.S.A. Vol. II. Bohn.

THE second volume of this magnificent work comprises the architecture of the twelfth, thirteenth, fourteenth, and fifteenth centuries, in their chronological order of arrangement, and completes the series of illustrations. We have before spoken of their general design—that of tracing back the present symbols of ecclesiastical architecture to their original type in the ancient Basilica or Public Hall; but the subject is one of considerable interest, and may admit of some further elucidation.

The form of the Greek Temple was ill adapted for congregational worship, and the early Christians were naturally indisposed either to assemble in a building which had once been devoted to Pagan superstition, or to imitate in their new constructions a style of architecture which would revive and perpetuate Pagan associations.

The first basilica mentioned in history was erected by Marcus Portius Cato, in the Forum, and the first church built by Constantine was constructed upon a similar model.

"In shape the basilica was an oblong, with a large semicircular recess at the upper end; three-fourths of the oblong composed a hall; the remainder was a transverse aisle, which intervened between the hall and the semicircular recess. In all the large basilicas the hall was divided by columns into three unequal parts, and these columns usually supported galleries above. Sometimes a roof covered the whole of the building; sometimes only the galleries.

"The destination of the secular building was twofold. It was at once a court of justice and an exchange. The witnesses, the merchants, and the crowd assembled in the body of the hall, and in the galleries. The transverse aisle, approached by steps and divided by low walls from the hall, was allotted to the notaries and advocates, and the semicircle was occupied by the prætors and the judges, who were raised on elevated seats.

"The basilica presented itself at once as a building that would be suitable for the purposes of the new worship. A building that offered a large and convenient space for an assembled congregation, and a distinct and separate sanctum for the altar and the dignified clergy. The basilica was therefore at once adopted as the model for a church, and the bishop and the presbyters succeeded to the prætors and the judges in the occupation of the semicircular recess.

"It is not certain at what time, or by whom, the form of the basilica was so far altered as to impart to churches the symbolical shape of the cross. That this alteration was not adopted in the first instance may be inferred from the fact mentioned by Cedrenus, that Justin II (580) altered a church at Constantinople into the shape of the cross. Had the alteration been made, in the first instance, in the churches which Constantine built at Rome, it would in all probability have been equally adopted in the first churches that were erected in the new capital. But the form of the cross was for many centuries rather the exception than the rule; for the greater number of churches continued to be built in the more simple form

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of the secular basilica. The alteration, whenever it was introduced, would be easily effected by prolonging the transverse aisle at either extremity; in other words, by throwing out additional wings on either side of the basilica, near the upper end; an alteration out of which arose the transepts of later churches.

"An entirely new form for churches was, at an early period, introduced at Constantinople. The oblong was shortened into a square, with a view to the noble addition of the dome, which the Byzantine architects had now learnt how to support. This plan, especially after the creation of Santa Sophia, became a favourite in the east, and was adhered to in those parts with the greater tenacity in consequence of the schism which subsequently took place between the Pope of Rome and the Patriarch of Constantinople. There was to be a difference in everything. The Greeks insisted upon the square form of their own inventions; whilst all the nations who continued to acknowledge the supremacy of the Pope continued to employ the long form, which was persevered in at Rome. The square might equally represent a cross of which all the limbs are equal; and in this lies the difference between the Greek cross and that of the Latins.

"The Greek plan was in course of time introduced into Italy by the Greeks themselves, in such parts of that country as remained in the hands of the Greek Emperor, and in the north by the Venetians.

"Originally it was not an established rule to turn the sanctuary to the east. St Peter's and St Paul's at Rome front different ways. The church which St Paulinus built at Nola, about the close of the fourth century, had its sanctuary turned to the west. Many more instances of the same kind might be mentioned. It is not quite clear when, or, why, a custom was adopted which afterwards became general. St Augustine says, 'Let us turn to the rising sun of truth.'

"From the impaired condition of art, as well as from the desire of avoiding unnecessary expense, nothing ornamental was bestowed upon the exterior of the primitive churches. The walls were substantially built of thin bricks, neatly put together with little cement, but they were left perfectly plain. The only attempt at external ornament was a low portico, which did not ascend above half the height of the front. Above this portico there were usually three long, round-headed, undivided windows, symmetrically arranged, and above these a round window in the pediment. Windows of the same kind were introduced on either side of the church, immediately under the eaves; and if they added little to the appearance of the building, they admitted abundance of light.

"The portals, like those of the classical models in their neighbourhood, were uniformly square-headed, and were often enriched with sculptured architraves taken from earlier buildings. The doors were frequently covered with plates of bronze.

"All that art could still effect was reserved for the interior, of which the chief decoration was the long colonnade, which, on either side, divided the nave from the aisle. But the columns now supported round arches instead of the unbroken architrave of better times. These columns were usually taken from earlier buildings; eventually from the heathen temples, when the Pagan worship was interdicted. Many of these columns, composed of the finest marble, were beautiful in themselves, but they were often mixed with others of an inferior quality, and their injured capitols were often imperfectly replaced by capitols of the time.

"In larger churches the sanctuary was usually divided from the nave by what was called the triumphal arch—an imitation of the triumphal arches of ancient Rome; but in its new situation intended to proclaim the triumph of the cross.

"The recess of the sanctuary, and sometimes the side walls themselves, were decorated with marbles, frescoes, or Mosaics, on a ground of gold. These pictures always represented saints or scriptural subjects, and possessed a greater degree of merit than might have been expected. If the execution betrayed a less skilful hand, there was always propriety and dignity in the sentiment expressed.

"The floor was a tesselated pavement, composed of different marbles arranged in a variety of patterns. A large circle of porphyry, called the rota, near the entrance of the church, indicated the spot where the neophyte was expected to perform his first prostration.

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"The least satisfactory part of the early churches was the roof. From the first the roofs of churches were constructed of wood. It may seem extraordinary, that when so noble a vault as that of the basilica of Constantine had so recently been achieved, a covering of the same nature should not have been thrown over the churches which were built shortly afterwards in its immediate vicinity. But art in those times was losing ground every day; expense was an object; in addition to which the adoption of the long colonnades on either side of the nave put a vault of brick or stone out of the question. The walls which the columns were able to support could not be of sufficient thickness to resist the pressure and thrust of a vault. Walls of great thickness, with the addition of lateral resistances of some sort or other, can alone contend with such a burthen. Recourse, therefore, was had to the lighter and much less expensive covering of wood. In the churches built by Constantine, and some other of the earlier churches, the beams and rafters were concealed by a flat ceiling of gilt panels. This enrichment, however, was soon discontinued, and the wooden roofs of ancient churches, neither concealed nor carved, as are the roofs of buildings in the pointed style, became and for long continued an unsightly part of the fabric. Another defect in the general appearance of the interior was, that in order to procure elevation the walls that supported the roof were carried up to a disproportionate height, and had the effect of crushing the colonnades on which they rested. This defect was mitigated in some of the churches by the introduction of galleries.

"The early churches had no belfry. Bells were not used to summon the faithful to prayers till so late as the seventh century. The first belfry was erected at Rome by Pope Adrian the First, in 772. As, therefore, the belfry had formed no part of the primitive churches in Rome and Italy generally, it never became an integral part of the building, and always stood by itself.

"Such were the primitive churches, and the plan, the shape, and the style, which they received at Rome, were from Rome, and by Rome transmitted to other countries, and for centuries exactly and reverentially copied in every Christian land."

The origin of the crypt, or underground chapel of our cathedrals may easily be traced. The early Christians, before the time of Constantine, had been compelled to meet in secret; and in Rome their places, both of burial and worship, had been the catacombs, or subterranean quarries from which the materials had been taken of which the city had been built. Thus all that was sacred in religion had become connected with the grave; and hence also the custom of burying the dead in churches, and of erecting churches on the spot where a saint or martyr had been interred.

One of the most remarkable buildings illustrated in this work is the octagonal Baptistery of Parma, belonging to a class of edifices the existence of which in former times shows how widely Protestant and Catholic orthodoxy have departed from the ancient practice of the church. But ere long we shall doubtless see the rite of plenary immersion revived by the Puseyites. One class of dissenters, the English Baptists, will thank Mr Knight for the following testimony in favour of their leading tenet:—

"In the early ages of the church, baptisteries were always separate buildings, and always either in a circular or octagonal form. The oldest were circular, copied in the first instance from the circular Roman temples, which supplied a graceful model for buildings that were not to be so large as churches.

"If it is clear that, from the earliest Christian times, infant baptism was sanctioned and practised, it is equally clear that for many centuries adult baptism was much more commonly adopted. The baptism of adults only took place at the three great festivals of Easter, Pentecost, and Epiphany; and in consequence of the restriction, very large numbers of persons were baptised at the same time. Distinct and spacious baptisteries were in consequence erected, and, as plenary immersion was insisted upon, a circular bath was provided, in the centre of the baptistery, into which the neophytes descended by steps. The men and the women were baptised on different days.

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"In the case of adults, it was customary to unite confirmation with baptism. But the bishop alone could impart to the chrism, or oil of unction, the mysterious virtues which made it efficacious. In consequence, the task of baptising adults of necessity devolved upon the bishop.

"The inconvenience of increasing multitudes, and the labour which was entailed upon the bishop, often an infirm old man, as well as the progress of refinement, gradually led to a change of system. The parochial minister was authorized to baptize. Plenary immersion was no longer insisted upon, Confirmation was made a separate rite. The ceremony of baptism was transferred to the church, and the baptisteries were gradually deserted. Adult baptism now became the exception, and infant baptism the rule."

The plates of the second volume are not wholly confined to ecclesiastical buildings; a few of a secular character have been judiciously introduced to illustrate more fully the style of Italian architecture of the middle ages. We could not speak too highly of the artistical execution of the work. The perspective of the designs has been admirably managed, and the plates, as finished specimens of lithographic printing, are among the best the art has yet produced; as architectural illustrations they have certainly never been surpassed.

BIOGRAPHY.

Biographical Dictionary. Vol. IV, Part I. Society for the Diffusion of Useful Knowlege.

Memoirs of the Marquis of Pombal. 2 vols. By J. Smith, Esq. Longman, Brown, and Green.

CHINA.

CHINESE AND ENGLISH VOCABULARY. Part. I. By Robert Thom, Esq. Black and Co.

A HISTORY OF CHINA, from the Earliest Records to the Treaty with Great Britain in 1842. Allen and Co.

THE British mercantile community has been placed under great obligations to Mr R. Thom, one of our chief interpreters during the late war, by the publication of his 'Chinese and English Vocabulary.' At Canton, where the European trade has hitherto been carried on, the Chinese merchants and shopkeepers speak a broken English sufficiently intelligible for the purposes of commerce; but new ports have been recently opened, where our language is wholly unknown; and Mr Thom has met the difficulty by drawing up an extensive vocabulary of terms and phrases relating to commerce, giving with the Chinese characters the corresponding English signs, and even the sounds belonging to them, so far, at least, as to enable a Chinese merchant to form a tolerable idea of their pronunciation.

The work, after a short preface, commences with the Roman and written forms of our letters, and with such of the Chinese and Tartar characters annexed as correspond in sound with the same letters. The Chinese and the Tartar dialects differ, but an educated Chinaman is familiar with both, and many of the sounds in the Tartar language, not found in his own, assist him materially in overcoming the difficulties of the English tongue. Mr Thom has made excellent use of these as a help to the Chinese student. A similar work for English students is still a desideratum: to the latter the present vocabulary would be of comparatively small value without an introductory primer.

Mr Thornton, in the preface to his 'History of China,' admits that his

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acquaintance "with the language of China is slight and superficial, and that the basis of his history is furnished by the mass of materials contained in the translation of the 'Tung-këen-kung-Mŭh,' by Father de Mailla, and in that voluminous collection, the 'Mémoires concernant les Chinois,' and other additional stores, extracted not merely from Chinese authors, but from those of Japan, Thibet, and Tartary, by the learning and industry of English scholars, and still more of those of France and Germany." After so candid a statement we cannot of course speak of the work as one of original research, and the best praise we can bestow upon it is to say, that the character of the Chinese, their government, institutions, and usages, are drawn in the work with a more consistent pen than we have been able to trace in other publications relating to the same subject.

Gutzlaff, in his 'Sketch of Chinese History,' describes the Chinese in the most contemptible light, while in his 'China Opened,' a subsequent work, in that part which speaks of their institutions, public offices, and government, he makes them appear a powerful, wise, and intelligent nation.

We notice in the work various errors into which Mr Thornton has fallen by following too closely European authorities; and we would refer especially to Dr Kurz's strictures on the important office, *He* and *Ho*, mentioned at page 47. Instances are numerous in which either the translator or Mr Thornton, or both, has misunderstood the original. At page 81 it is stated that—

"On the Emperor Ching-tang arriving at the foot of the mountain, he quitted his chariot, and fell with his face to the ground; then rising, he accused himself publicly before heaven, and in the face of men, with the following crimes: first, neglecting to instruct his subjects; second, omitting to recal them when they had wandered from their duty; third, erecting palaces unnecessarily splendid, and superfluous expenditure in buildings; fourth, having too many wives, and being too much attached to them; fifth, being too prone to the delicacies of the table; sixth, listening to the flatteries of favourites and courtiers."

The real import of the passage in the original is exactly contrary to the above. The famine being great, his Majesty repaired to an open space in the mulberry grove, where, on offering sacrifice and prayer, addressing Heaven, he thus interrogated himself:—

"First. Have I, the Emperor, in the administration of my government, been unjust? Second. Have I concealed aught from my people? Third. Have I squandered the revenue on my palaces? Fourth. Have I, in consequence of being Emperor, added to the number of my concubines? Fifth. Have I trod on the people as though they were only grass? Sixth. Have I given place to sycophants?"

It is added, ere his Majesty had done thus appealing to Heaven, there suddenly fell a shower of rain, which extended its fertilizing influences over some thousand miles. Sewen-tsze remarks, to such an appeal "Heaven could but rain!" This passage reminds us of a similar address in the first of Samuel, c. xii, 3:—"Whose ox or ass have I stolen," &c.

At page 83, we are informed "that during the third year of Tae-woo—but more properly Tae-*mow*—ambassadors from distant regions, with interpreters, came to court from seventy-six kingdoms;" and then it is assumed that these remote states must have been in Central and Western Asia, and that they repaired to the Chinese court in consequence of Sesostris invading that territory. Now there does not appear the least ground for this conjecture, nor even for the assumed fact that any ambas-

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nadors came from remote parts at the period referred to, for the *text* merely states, that during the third year of this reign the nobles again repaired to court. This error, and many defects of a similar kind, to which we cannot now allude, might easily have been prevented by a reference to the original Chinese documents, which may be seen in London; and Chinese scholars are also to be found in the metropolis, who would willingly have aided Mr Thornton in his labour.

EDUCATION.

An Elementary Grammar of the German Language, founded on Dr Becker's System. By Heinrich Apel. Simpkin, Marshall, and Co.

Reid's English Dictionary. Oliver and Boyd, Edinburgh.

Ingram and Trotter's Algebra. Oliver and Boyd, Edinburgh.

First Latin Grammar, Ollendorff's Method. Whittaker and Co., Ave Maria lane.

A Commentary on the Eton Latin Grammar. By R. Haynes. Loyd and Co.

School Books. By the Scottish School-book Association. Whyte and Co., Edinburgh.

Sheet Lessons.

The Child's First Book.

Improved Edition of a New Series. Nos. 1, 2, 3.

Manual of English Pronunciation.

Readings in Prose and Verse.

The Young Child's Geography.

The Principles of English Grammar, with the Rules of Syntax exemplified.

Reprint of Vocabulary of Nos. 5 and 6.

A System of Practical Arithmetic.

No. 11 of the New Series.

A Key to a Complete System of Practical Arithmetic. No. 14.

Collection of Instructive Extracts. Nos. 5 and 6.

Natural Philosophy. Part 1.

Physical Science :—Section 2, Motion.

Outlines of Modern Geography.

Complete System of Geography.

New General Atlas.

The above works may be generally characterized as belonging to an improved class, compared with the books used in most elementary schools on this side the Tweed. We have seen some branches of instruction more judiciously treated than in the publications of the Scottish Book Society; but the latter seldom fall below mediocrity, and all are cheap, an important recommendation often wanting in the case of the best educational works. In the Sheet Lessons for teaching reading in classes, an approach is made to a methodical arrangement of sounds. Selections are made of words spelt differently, but pronounced alike, and the various sounds of

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the same letters differently employed are indicated by marks. Some of these lessons are extremely well adapted for the object, as for example, lesson 15 on the sound *sh*; but the system is too much refined upon. We see no propriety in the attempt, as far as children are concerned, to show that the letter *a* has seven different sounds. It is quite enough for all practical purposes to draw their attention to the four,—in the words *far, fáte, fät, fåll*. We object also to the use of marks in a different mode to that in which they have become familiar to all persons conversant with continental languages. No mark is required in the French, Italian, or German languages, for denoting the open sound of *a* as in *far*, but in these school lessons two dots are placed over the *a* (*fär*), which would inevitably lead a German to pronounce the word as *fair*.

The system proposes a modification of the German *laut methode* of teaching the alphabet by the powers of the alphabet, and not by the names. We are pleased to see every aim in this direction, but the principle is not in this case properly carried out, or successfully applied. The child is told to call B *eb*, but *b-e* B is really much nearer the sound required in the word *been* than *e-b eb*, and it is rarely that B comes at the end of a syllable. There are also some typographical errors and scotticisms in these lessons, which should be corrected before at least they could be used in England. In the sixteenth lesson we have "it is dark and we *will* not see to go home," instead of we *shall* not see to go home. In No. 26 of the Sheet Lessons we find "try to read well and strive to be *dux*," meaning, we presume, strive to be leader, or head boy of the class. In this country, where it has not been usual to teach latin before reading, children would probably ask why they should strive to be ducks rather than geese.

The 'Young Child's Geography' has all the faults that could possibly be comprised in an "easy introduction." It consists of thirty-six pages of hard words, which a "young child" could only pronounce with difficulty, and the meaning of which no "young child's" head could possibly comprehend. This "easy introduction" is unaccompanied by a single diagram of any kind to explain the difference between a lake or a mountain; and think of the "young child's" mental bewilderment and love of "useful knowledge" after it has committed to memory the following lesson:—

"The *Yangtsckiang*, from Thibet, flows east through China into the Chinese sea. The *Hoango*, from Thibet, flows eastward through China, and falls into the Whanghay, or Yellow Sea. The *Amoor*, or *Cagalien*, flows eastward through Chinese Tartary, and falls into the sea of Ochotsk. The *Lena*, from Irkoutsk, flows northward through Siberia, and falls into the Whanghay, or Yellow Sea."

The 'Complete System of Geography' is an elaborate work for older pupils, containing a great body of really valuable information relating to the countries described. The 'Principles of English Grammar' is defective in its introductory explanations (for which there is no work yet equal to 'Mary's Grammar'), but it contains some good parsing exercises, and will be found by teachers a useful school book (price 9d.) We object, as a general rule, to all vocabularies and columns of spelling; conversational readings and writing from dictation are the only efficient means of teaching the meaning and spelling of words; but in the reprint of Nos. 5 and 6 a list is given of Latin roots which may be usefully committed to memory.

The 'Instructional Reading Lessons' contain a fair compilation of useful extracts. The 'New General Atlas' contains twenty-nine large quarto maps, clearly engraved, and is a very cheap work, the price (10s. 6d.) being less than sixpence for each map, without including binding. In two small sixpenny parts we have an exposition of the 'Principles of

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Natural Philosophy,' illustrated with diagrams; this we may cordially recommend to the friends of popular instruction. Something of the kind is much wanted in the humbler class of English schools, and the two parts are sufficiently light to be obtained through the post at the expense of six Queen's heads.

A Series of Catechisms for the Use of Schools. By the Rev. T. Wilson. Darton and Co.

Much has been said against the use of Catechisms in elementary instruction, but still they stand their ground, and prevail to a greater extent in schools for young children than any other sort of book. This may arise in part from their real utility, as well as from their convenience to indolent teachers, by whom a preference will naturally be given to rote methods of instruction. Such methods we shall never cease to deprecate as connected with an attempt to develop the intellectual powers. The memory may be properly exercised upon detailed pieces of poetry and arithmetical tables; but when the object is to improve the understanding, the teacher should never seek to fix a fact in the mind by set phrases; the form of its expression should be constantly varied, so that not the words, but the idea may remain. The best mode of conveying general knowledge to the minds of children is by conversational lectures, interspersed with anecdotes and questions, and a good catechism may be useful in the hands of a good teacher by suggesting both the questions to be asked and the explanations to be given. We have carefully compared the present series with the most famous of its predecessors, and we can safely affirm it to have been undertaken on a better plan, and, taking it as a whole, executed with far more care and ability. In a paper to one of the series, after noticing the objections that have been made to Catechisms, the Editor sensibly remarks:—

"There can be no doubt that a great many of the Catechisms which have been extensively used are written in a very injudicious manner, either from the subjects of the questions having been unskilfully chosen, the indistinct and unapt relation of the answers to the questions, or the great length of the answers, by which the mind of the child becomes confused and discouraged. That many also seem to have justly displeased sensible persons by their absurd pretensions to something of an encyclopædic character. This has arisen from entirely mistaking the principle of catechetical teaching. A catechism should not, like an encyclopædia, aim at being a complete exposition of the subjects of which it treats, even if it were possible that it could be such within the reasonable limits of an early school book. Its proper office is to discipline the mind to the right mode of proceeding in learning a given subject rather than to furnish a complete collection of facts."

The principles here expressed have been very successfully applied in those parts of the series to which we have paid most attention, and we may recommend the 'Catechisms of Natural Philosophy,' 'Geography,' 'the History of England,' 'Bible History,' and 'English Grammar,' as the best elementary works on their respective subjects, in the catechetical form, with which we are acquainted. Most of them are furnished with excellent tables of population, chronology, &c., suitable for committing to memory, and careful explanations of technical terms, an addition of which experienced teachers alone know the full value.

A Dictionary of the English Language. By Alexander Reid, A.M. Oliver and Boyd, Edinburgh; Simpkin and Marshall, London.

An English dictionary upon a new plan, and one we cannot too strongly

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recommend. In a neat octavo volume, strongly bound, and at the moderate price of six and sixpence, we have the combined merits of Johnson's Dictionary for the etymology and explanation of words, and of Walker's for their pronunciation. The attempt has been made, and made successfully, to condense, in the abbreviated form, all that is material to the public of the information contained in the larger works of the etymologists. In addition to the usual meanings, the root of every word is given with the explanation, showing from what language the word was derived. Marks are employed to denote the precise sound of the letters instead of the figures used for the same purpose by Walker. A few examples will suffice to show the useful character of the work, whether for schools or private libraries:—

Act, *v.* (L. *actum*) to be in action; to perform; to imitate.
Ar'chi-tĕct, *n.* (Gr. *archus, tekton*) a professor of the art of building.
Gĭve, *v.* (S. *gifan*) to bestow, to confer.
Măd-am, *n.* (Fr. *madame*) a term of address to a lady.
Rŏck, *v.* (Dan. *rokker*) to move backwards and forwards; to lull; to reel.
Scrŭb, *v.* (Ger. *scrubben*) to rub hard.

A vocabulary of the roots of English words is added, giving their signification; and a foot-note to each page explains the use of the marks, which are few and simple, and we recommend their general adoption (especially as the work is likely to be a standard book) where the sound of a letter requires to be indicated with precision. Authors, and especially educationists, are fond of introducing their own marks, but this creates confusion; it would be far better to follow one general rule. There are some cases in which the necessity of distinctive marks is strongly felt, and we would fain, therefore, see the mode of using them fixed. When the letter *g* or the letter *c* occurs in a proper name, that we may never have heard pronounced, it is often impossible to guess whether either letter should be hard or soft. This difficulty would be at an end if it were always the custom to write *g* and *c*, when pronounced soft, with the French çédille, as in the work before us (*ǵem, çede.*)

THE ALPHABET; TERENTIAN METRES; AND OTHER PHILOLOGICAL PAPERS. By T. Hewitt Key, M.A., F.P.S. C. Knight and Co.

A REPRINT, for the use of classical students, of the learned and able articles in the 'Penny Cyclopædia,' by Professor Key, on the origin and early forms of the alphabet, together with the papers which appeared in the same publication under the heads of 'Article,' 'Auxiliary Verbs,' 'Conjugation,' 'Conjunction,' and 'Terentian Metres.' To those have been added an essay on the so-called anomalies of the words *good, better, best, well,* with a prefatory letter on the plagiarisms contained in the 'Varronianus' of the Rev. J. W. Donaldson. To the latter subject it would perhaps have been more judicious to have devoted twelve lines than the same number of pages; but these, while not without interest to scholars, form but an episode in a work of high character for philological research.

THE MEDALS OF CREATION; OR, FIRST LESSONS IN GEOLOGY AND IN THE STUDY OF ORGANIC REMAINS. By G. A. Algernon Mantell, LL.D., F.R.S. H. G. Bohn.

AN invaluable work for geological students and amateur collectors; a work not only complete as an explanatory introduction to the science, but

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possessing the great recommendation of well-executed illustrations of nearly every known fossil. With the help of these illustrations, the young geologist, who might employ himself for example in collecting chalk fossils in Kent or Surrey, would be enabled to find the name of every specimen he met with, and learn all that had been ascertained of the original organization to which it belonged. The two volumes are handsomely got up, and while greatly superior to the Annuals in utility, would form an equally elegant Christmas present.

FINE ARTS.

CENNINO ON PAINTING. Translated by Mrs Merrifield. Edward Lumley, 56 Chancery lane.

BUNYAN'S PILGRIM'S PROGRESS. Illustrated by Henry C. Selous, Esq. Holloway, Bedford street, Covent garden.

THIS work is a sequel to a series of designs in outline, illustrative of the same subject, for which a premium was given by the committee of the Art-Union of London. Expression, beauty of form, and correct drawing, apart from colour and all effects of light and shade, were the qualities the committee sought to realize. Originality was not one of them, or it might possibly have been found difficult to award the premium to any of the candidates, and we certainly doubt whether it would in that case have been gained by Mr Selous. The work should have been called Reminiscences of Retsch and Flaxman. The human figures are copied with scarcely the alteration of a feature, and without change of costume, from Retsch's illustrations of Schiller's 'Song of the Bell;' his angels and devils —the latter especially—are from Flaxman's illustrations of the 'Inferno' of Dante. Mr Selous had his materials before him; and our first inquiry is, whether, in composition, he has successfully adapted them to his subject—Bunyan's story of the 'Pilgrim's Progress.'

The art of illustration has never been carried higher than in Retsch's outlines of Schiller's 'Song of the Bell;' and perhaps the most obvious charm about them is their intelligibility. The plates form a complete history of human life, and from the first casting of the bell to its last funereal use, when man is ushered to his long home, each illustration is a connecting link with that which has preceded and that which follows, and fully explains its own meaning. Not so with these outlines. Instead of illustrating Bunyan, in the sense at least of explanation, the outlines have to be illustrated or explained. Bunyan himself would never have fathomed their signification without assistance, and accordingly, at the foot of each plate, a line is introduced to tell us, in so many words, what the picture is intended to represent; after the approved fashion of boys at school, who write under their drawing copies, "This is a tree"—or "This is a house," to prevent any mistake in the matter. Unhappily, however, even with the assistance of the foot title, we are often left very much in the dark as to the meaning of the artist, and to find it out a constant reference is necessary to the letter-press of Bunyan. For example, the plate intended to represent the parable of Passion and Patience, exhibited in the house of the Interpreter, would be a complete puzzle without the letter-press; the artist having endeavonred to convey, in one general design, the action of a moral drama, which, as imagined by Bunyan, consisted of several scenes. This is much the same as if Knight or Collier, in their editions of Shakspeare, had endeavoured to give us the whole of 'Hamlet' in a frontispiece. The incidents in these outlines are often ill-selected, but the most has not

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been made of the best. One of the finest subjects for illustration in Bunyan's story is the passage of the river by Christian and Hopeful, at the close of their pilgrimage, but to our thinking it has been completely spoiled. In the plate circulated by the Art-Union, the waters are made to swarm with devils of the most grotesque shapes, although none are mentioned in the text, and thus the sublime is lost in the ridiculous. Mr Selous has a taste for *diablerie*, but it does not appear to us at all calculated to elevate the taste of the public. When Christian is struck down by Apollyon, one of the devils looking on appears, in the extravagance of his joy, to be dancing the polka. In another plate (the vision of the Last Day), a devil with his fingers to his nose is evidently "taking a sight," and another devil, very conspicuous in the foreground, has a short woolly tail like a dog, which turns all our horror into mirth. In this plate devils are the principal performers, who are seen actively engaged in carrying off the wicked; another instance in which Mr Selous has departed from the text of Bunyan to indulge in his own fancies. Bunyan says nothing of devils, but describes the bottomless pit as opening and swallowing up the wicked, while angels snatch up the good into the clouds. The angels, as usual with all our artists, are depicted as anatomical deformities, with wings growing out of their shoulders, where, without making a hunch on the back, it would be impossible to show a development of muscle sufficient to support the human body in the air. Surely better angels could be imagined, and some useful hints might be obtained by studying the anatomy of animals of the bat tribe—animals that do fly; but if not, let our angels be simply young women of ethereal substance, light enough to move in the air at pleasure, as earthly divers sink or rise in the water.

We would not be understood to condemn these "outlines" as devoid of merit, or of merit in a high degree. There is correct drawing, freedom of pencil, skilful grouping, but the poetry of art is wanting, excepting where the same ideas have been already embodied by Retsch. The soul of Bunyan is not in them.

CRITICISM ON ART. By William Hazlitt. Second Series. Edited by his Son. London. Templeman. 1844.

WE have so often recorded our admiration of Hazlitt as an original and interesting writer, and have so often dwelt upon the gusto, acuteness, and vivacity of his criticisms, that we may be absolved from doing more than briefly announcing and recommending this excellent volume, which no lover of painting is likely to be long without. It contains fourteen spirited essays and ten catalogues of the pictures in various noblemen's galleries. The catalogues are extremely useful. The essays, though of unequal merit, all bear the strong impress of William Hazlitt. On the whole, it would be cheap at fifteen shillings, and is sold at five.

HISTORY.

History of the United Kingdom. By C. Botta. A Fullarton and Co., Edinburgh, London, and Glasgow.

Whittaker's Popular Library. Copyright Edition.—Thierry's Narrative of the Merovingian Era; or, Scenes of the Sixth Century.—The Historical Essays published under the title of 'Dix Ans D'Etudes Historiques,' and an Autobiographical Preface. Whittaker and Co., Ave Maria lane.

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Algeria, Past and Present. By J. H. Blofeld, Esq. T. C. Newby, 72 Mortimer street.

Michelet's History of France. Translated by G. H. Smith, F.G L. Whittaker.

MISCELLANEOUS.

The Eleventh Annual Report of the Royal Polytechnic Society, 1843.

The Complete Concordance to Shakspeare, being a Verbal Index to all the Passages in the Dramatic Works of the Poet. By Mrs Cowden Clarke. Parts V, VI, and VII. C. Knight, Ludgate street.

An Investigation of the Principles of measuring Circular Plane Surfaces, &c. Whittaker and Co., Ave Maria lane.

Ireland and its Rulers. Part III. T. C. Newby, 72 Mortimer street, Cavendish square.

Eschenberg's Classical Literature. Edward C. Biddle, Philadelphia.

The Lacon of Liberty. Effingham Wilson.

Histoire de la Littérature Anglaise. 3 tomes. Par M. L. Mezières. A. Allouard, Libraire.

Geology. 2 vols. By David Thomas Ansted, M.A., F.R.S. John Van Voorst, Paternoster row.

The Star of the Court. By Miss S. Bunbury. Grant and Griffith, St Paul's churchyard.

The Convict Ship. By Colin Arrott Browning, M.D. Smith, Elder, and Co., Cornhill.

Letters from Settlers and Labouring Emigrants in the New Zealand Company's Settlements of Wellington, Nelson, and New Plymouth, from Feb. 1842 to Jan. 1843. Smith, Elder, and Co., Cornhill.

Points and Pickings of Information about China and the Chinese. By the Author of 'Soldiers and Sailors.' Grant and Griffith, Corner of St Paul's churchyard.

The Reformers before the Reformation. By Emile de Bonnechose. Translated from the French by Campbell Mackenzie, B.A. William Whyte and Co., Edinburgh.

A Dictionary of Archaic and Provincial Words, Obsolete Phrases, Proverbs, and Ancient Customs, from the 14th Century. By James Orchard Halliwell, Esq., F.R.S. John Russell Smith, 4 Old Compton street, Soho.

Tom Burke of "Ours." By Charles Lever. William Curry, jun., and Co., Dublin.

On Diet, with its Influence on Man. By Thomas Parry. S. Highley.

On the Discovery of the Mississippi, and on the South Western, Oregon, and North Western Boundary of the United States. By Thomas Falconer. S. Clarke.

The National Diet Roll; or, or Improved Method of insuring to the Lower Ranks of the People a due supply of Food; in a Letter to Luke Thomas Flood, Esq. By D. O. Edwards, Surgeon. J. Miland, 35 Chapel street, Belgrave square.

The Banker's Almanac and Directory for 1845. Richard Groombridge, 5 Paternoster.row.

An Almanac in the form of a thin octavo volume, embracing a digest of banking and commercial law, and a great body of miscellaneous information belonging to the same class of subjects. An additional feature of the

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work is a blank diary for memoranda, with a reference on each page to the number of days elapsed in the year, and yet remaining; a note extremely useful in calculations of interest. The 'Banker's Almanac' is the best we have seen for the counting-house either of the banker or merchant.

THE COMPLETE SUFFRAGE ALMANACK AND REFORMER'S MANUAL FOR 1835. Davis and Hasler.

A SIXPENNY almanack, which, besides the usual information upon times and seasons contained in similar publications, embraces a variety of subjects of interest and importance to all classes of reformers, especially as connected with the registration of voters and fiscal imposts.

THE LOG CABIN; OR, THE WORLD BEFORE YOU. J. Chapman, 121 Newgate street.

A REPRINT from an American edition of a pleasing tale by the popular author of 'Three Experiments of Living,' and 'Sketches of the Old Painters.' 'The Log Cabin' is evidently a sketch from real life, and we may recommend it to emigrants as an instructive narrative of an early settler's experiences. The work is cheaply and neatly got up, and is the first of a series which, if of the same quality throughout, must command an extensive sale.

THE CLAIMS OF LABOUR. An Essay on the Duties of the Employers to the Employed. 1844.

THE author of this volume is a Lay Preacher. His vocation is distinctively that of giving utterance to those moral truths, those exhortations to our duties, which should proceed from the pulpit, but which are so rarely heard from that august place. He seems to us a man framed to have adorned the church in its days of apostolical power; a man framed to preach mild and cheering doctrines in a dialect tone; prone to self-interrogation and exhorting others to it, but shunning noisy argument; a man to realize a doctrine, not to write "evidences" in support of it. In the present work we see the same anxious, almost morbid self-interrogation, the same mild earnestness, the same subtlety of thought and delicacy of expression, and the same practical turn which characterized his 'Thoughts in the Cloister and the Crowd,' and his 'Essays written during the Intervals of Business.'

Any one concluding from the title that this work was a speculative or polemical essay on that widely-vexed question, the 'Claims of Labour,' will be disappointed. It is not a political but a moral essay, and partakes considerably more of the sermon than of the pamphlet. The author's tendency is anything but polemical. He wants the audacity, the impetuosity, the bone and muscle, as well as the heat, of a partisan. He is somewhat too reflective for a politician; his wisdom is a cautious wisdom. Accordingly, in this essay, he has neither ventured on some daring speculation of his own, nor poured forth a battery of ridicule, logic, and abuse on the speculations of others. He has taken the question as it stands; he has largely extracted his facts from Edwin Chadwick's 'Reports;' these facts he allows to plead for themselves, contenting himself with pointing out the individual and moral duties of employers, not in inventing any specific. He disclaims all intention of new theories.

"Indeed," says he, "I have not feared to reiterate hacknied truths. But you may be sure that, if you do not find yourself recurring again and again to the most ordinary maxims, you do not draw your observations from real life. Oh

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if we could but begin by believing and acting upon some of the veriest commonplaces! But it is with pain and grief that we come to understand our first copy-book sentences. As to the facts, too, on which I have grounded my reasonings, they are mostly well known, or might be so; for I have been content to follow other men's steps, too glad if, by so doing, I might assist in *wearing a pathway for the public mind.*"

Of course, with such a plan, the book will meet with little attention from mere humdrum politicians. It is only those for whom politics are means, not an end, only those who regard the well-being of the race, and are willing themselves to practise what they teach, who can regard this sermon as addressed to them. We have heard it sneered at as a sermon, and as commonplace. Undoubtedly our duties *are* commonplaces, and sermons remind us of them. We have servants; that we should treat them considerately is a commonplace; but *do* we treat them considerately? and is there no need of exhortation for us to remember our duty? or is a commonplace, because it is one, therefore to be unheeded?

"You would bear with lenity," says our author, "from a child many things, for which in a servant you can find nothing but the harshest names. Yet how often are these poor uneducated creatures little better than children! You talk of ingratitude from them, when, if you reflected a little, you would see that they did not understand your benefits. It is hard enough sometimes to make benefits sink into men's hearts, even when your good offices are illustrated by much kindness of words and manner; but to expect that servants should at once appreciate your care for them is surely most unreasonable, especially if not accompanied by a manifest regard and sympathy.

"Another mode of viewing with charity the conduct of domestic servants is to imagine what manner of servant you would make yourself, or any one of those whom in your own rank you esteem and love. Do you not perceive in almost every character some element which would occasionally make its possessor fail in performing the duties of domestic service? Do you find that faithfulness, accuracy, diligence, and truth, pervade the circle of your equals in such abundance that you should be exorbitantly angry the moment you perceive a deficiency in such qualities amongst those who have been but indifferently brought up, and who, perhaps, have early imbibed those vices of their class, fear and falsehood; vices which their employers can only hope to eradicate by a long course of considerate kindness?"

Very excellent remarks, but which would be barren enough were they not strengthened by the whole purpose of the book, which is not merely to give general advice, but to suggest the application; not simply to write axioms of more or less general purport, but to open the path which leads from the general to the particular. The author is not content with exhortation, he shows the way to realize his counsels. Listen:—

"And first let me implore you not to delay that outset; make a beginning at once, at least in investigating the matters to which I have striven to draw your attention. It is no curious work of art that you have to take up; it requires no nicety of apprehension; you can hardly begin wrongly, I do not say in action, but in the preparation for action. However little each of you may be able to call your own for this purpose, it is better to begin with that little than to wait for some signal time of leisure. Routine encumbers us; our days are frittered away by most minute employments that we cannot control; and *when spare moments do occur, we are mostly unprepared with any pursuit of our own to go on with.* Hence it is that the most obvious evils go on generation after generation, people not having time, as they would say, to interfere. Men are for ever putting off the concerns which should be dearest to them "to a more convenient season," when, as they hope, there may be fewer trifles to distract their attention; but a great work which is to commence in the heart requires not to have the first stone laid for it with pomp upon some holiday. It is good to have made a beginning upon it at any time.

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"The wisdom or the folly of delay is in most instances like that of a traveller coming to a stream, and wishing to ford it, yet continuing his journey along its banks; and whether this is wise or not depends mainly on the simple fact of whether he is walking up to the source or down to the fall. The latter is apt to be the direction in the case of our generous resolves; *their difficulty widens as we delay to act upon them.*"

This is right good sermonizing and very pregnant matter. He shortly afterwards warns you against fear of ridicule.

"You do not know what the world will say. Indeed they may pronounce you an enthusiast, which word of itself is an icy blast of ridicule to a timid mind. You shudder at doing anything unusual, and even bear by anticipation the laugh of your particular friends. You are especially ashamed to care for those things which those about you do not care for. A laugh at your humanity or your "theories" would disconcert you. You are fearfully anxious that any project of benevolence you undertake should succeed, not altogether on its own account, but because your sagacity is embarked in it, and plentiful will be the gibes at its failure, if it should fail. Put these fears aside. All that is prominent, all that acts, must lay itself open to shallow criticism. It has been said that in no case of old age, however extreme, has the faculty for giving advice been known to decay; depend upon it that of criticism flourishes in the most indolent, the most feeble, the most doting minds.

"Great enterprises—and for you this attempt to make your working men happier is a great enterprise—demand an habitual self-sacrifice in little things; and hard as it may be to keep fully in mind the enterprise itself, it is often harder still to maintain a just sense of the connection between it and those said trifling points of conduct, which, perhaps in any single instance, seem so and so remotely connected with it. But remember it is not always over great impediments that men are liable to stumble most fatally."

Our space does not admit of more than this brief indication of the work to which we anxiously recommend all readers. It is a book we would fain see on every drawing-room table in the kingdom. On some minds its gentle eloquence would fall flatly; to some minds its searching γνωμαι will be as truisms or falsisms; but to the generality of readers it will be a real benefit, urging upon them the necessity of looking in upon themselves, and making them aware of the extent of their duties and of the ease with which these duties may be fulfilled. It is a golden book. We are from first to last under the spell of the author's individuality; we are fascinated by the pure spirit of benevolence which breathes over the pages, and startled by the searching subtlety of many of the glimpses of motive and character; while the exquisite delicacy of the workmanship adds a perfume to the violet. The book, in short, is a reflex of that character so inimitably touched in that one line of Chaucer:—

"And all was conscience and a tender heart."

G. H. L.

LETTER-OPENING AT THE POST OFFICE. J. Watson, 5 Paul's alley, Paternoster row.

THIS is a reprint, in the form of a fourpenny pamphlet, of the article in our last number, entitled 'Mazzini and the Ethics of Politicians;' to which is added a letter from M. Mazzini, giving a detailed account of the mode in which the Neapolitan Government acted upon the information communicated by Lord Aberdeen, in order to "frustrate the attempt" of the Italians at Corfu, and of the military execution of the two sons of Admiral Bandiera and their seven companions, victims of the successful

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artifice employed, and of a misplaced confidence in British honour.*

We regret to see some introductory remarks affixed by the publisher, which appear to us too intemperate, and not altogether just or in good taste, but for these the author of the article reprinted from the 'Westminster Review' is not accountable.

A beautiful bronze medal has been struck by Mr Wyon, of Regent street, to commemorate the tragical fate of the Italian exiles, who suffered and we trust the sale will assist in raising a fund for those who survive; amongst whom, at least, are many, from our own knowledge, deserving English sympathy and support to the fullest extent.

MUSIC.

CATHEDRAL CHANTS OF THE 16TH, 17TH, AND 18TH CENTURIES. Edited by E. F. Reinbault. D'Almaine and Co.

THE spirit of the Protestant Reformation was undoubtedly unfavourable to the progress of the sister arts, music, painting, and sculpture. They had been too closely allied with what was termed an idolatrous worship not to be in some measure identified with it in the minds of the sterner class of reformers, and hence, to this day, the Scotch Presbyterians, for the most part, resist the interference of an organist in their religious services. Music was retained as an element of worship in our English cathedrals, and the volume before us is an evidence of the high order of power and originality in sacred composition it called into exercise; but no adequate provision having been made for the musical services of the parish church, they were gradually neglected, until at length even the humblest psalmody became an art too refined for clergy and parishioners. We have often visited churches in rural districts too poor for an organist, and so destitute of vocal talent that all attempt at singing was necessarily omitted; perhaps in other cases where the attempt continued to be made, its omission would have been equally judicious; but within the last few years we have seen a change commence; partly, perhaps, owing to the late Puseyite revivals; and we must readily acknowledge ourselves Puseyites in principle to the extent of admitting that beauty of form and the harmony of sweet sounds should for ever be associated with the beauty and harmony of religious truth. The Puseyites are quite right in attempting to restore the old practice of congregational chanting. The church service was composed to the measure of a musical recitative, and was not intended to be read (in our sense of the term), unless as an occasional exception to the common rule. The rule is now the exception, and hence arises much of the force of the objection of Dissenters to the monotonous and 'vain repetitions' of the liturgy. They are certainly monotonous when read or repeated in the tone of a person speaking, but when chanted or sung as originally intended, with varying cadences, the effect is wholly different. The same words call up new emotions with every new form of musical expression.

The object, therefore, of the author of the present collection of Cathedral Chants, is one we would cheerfully aid in promoting. The work itself will attract the attention of all amateurs of sacred music by its own merit.

* *We take this opportunity of giving a needful caution to the public. The practice of letter opening continues. At the moment of going to press we have received conclusive evidence on the subject, but we do not know that the fact could be traced to government instigation; we are certain only of this, that there will be no security for private correspondence without a thorough reform in the post-office department of our Home administration.*—ED.

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The chants are arranged as four part harmonies, with a pianoforte and organ accompaniment, and printed in the form best adapted for family use, or the Sunday evening practice of a musical and pious circle. The volume is most tastefully got up, indeed in a style superior to anything we have seen attempted, prior to the present instance, for musical publication. H.

PAMPHLETS.

On the Nomination of Agents formerly appointed to Act in England for the Colonies of North America.

A Brief Statement of the Dispute between Sir C. Metcalf and the House of Assembly of the Province of Canada.

Observations of the Sanatory Arrangements of Factories; with Remarks on the Present Methods of Warming and Ventilation, and Proposals for their Improvement. By Robert Ritchie, Esq., F.R.S., S.A. Blackwood and Sons.

Practical Measures. By D. D. Jameson. Smith, Elder, and Co., Cornhill.

Letter to the Bishop of London. By Philalethes. William Boone, 29 Bond street.

Two Letters to the Editors of the Sydney 'Morning Herald' on the Augmentation of the Licence Fees paid by the Occupiers of the Crown Lands in the Colony of New South Wales. By Edward J. Hamilton, Esq. John Murray, Albemarle street.

Outlines of a Plan for Adapting the Machinery of the Public Funds to the Transfer of Real Property. By Robert Wilson. T. Blenkarn.

Two merchants meeting in a counting-house may in five minutes settle the sale and purchase of a cargo of sugar, which the next day may be unloaded in the docks and delivered in a London warehouse. The value transferred may be 50,000*l.*, and yet the cost of the transfer nothing more than the paper on which a check for the amount may be written. The same parties could not buy or sell a house or a plot of land value 50*l*, without being involved in legal charges, probably and not unfrequently (with the lawyers' bills on both sides) exceeding the purchase money; while the time occupied in completing the transfer would be an affair of months, and might be one of years. Few reforms are more imperatively required than a change in the laws affecting the transfer of real property. Some progress towards the object to be effected was made last session, but only as a first step. The vague apprehensions raised by conveyancers have hitherto rendered landowners themselves averse to the only changes that could prove effectual. Ultimately, however, there can be no doubt they will be awakened to a true sense of their own interest; and it is put in a striking light by Mr Wilson:—

"It is well known that bulky goods are represented in commerce by the instruments called 'dock warrants,' which form the title to the goods, and are transferable by indorsement. A vast amount of property which would otherwise be unemployed thus becomes, in effect, a part of the currency of the country; for it is almost as easy to raise money on a dock warrant as to change a bank note into sovereigns. Now if the title to land could be manifested by similar symbols, so as to enable the proprietor to raise money in an expeditious

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manner, and without incurring expense or making his necessities public, the landowners would have at their command any amount of money, which could be laid out beneficially in improving their estates. The superiority of British capital would be brought to bear effectively on agriculture, as on manufactures and commerce. Tranferable *land warrants* would take up and circulate the immense unemployed capital which so often clogs the London money market; and the tendency of the funded system to derange the circulation would be counteracted by the facility with which country securities would find a market in the metropolis."

Mr Wilson's pamphlet is one of the ablest that has appeared on this subject, and we hope to have an early opportunity of fully discussing its contents.

PHILOSOPHY AND SCIENCE.

Tappan's Elements of Logic. Wiley and Putnam.

The True Age of the World. By Professor Wallace. Smith, Elder, and Co., Cornhill.

Vestiges of the Natural History of Creation. J. Churchill, Princes street, Soho.

A work of great philosophical interest, written in a spirit of calm, dispassionate inquiry. We do not agree with many of the conclusions of the writer, nor admit the whole of his facts, but the opinions and statement of the author are those of a close observer of nature and of a man of extensive reading and reflection. We trust to have an opportunity of discussing them at length.

On the Regulation of Currencies; being an Examination of the Principles on which it is proposed to restrict, within certain limits, the future Issues on Credit of the Bank of England, and of the other Banking Establishments throughout the Country. By John Fullarton, Esq. 8vo.

This is a work to which we had intended to have devoted some space in the present number, but to do justice to the author, and fully discuss with him his subject, required more leisure than we could command. In a few lines we can do nothing more than express an opinion of the merits of the work, and that is simply one of emphatic commendation. It will prove, we think, the most powerful battery that has yet been directed against the 'currency theory.' We have some points of difference with Mr Fullarton, but his book is one which must be read by every economist who would take a part in the further discussion of the currency question.

POETRY AND THE DRAMA.

The Poetical Works of the Rev. Lesingham Smith, M.A. J. W. Parker, London.

The Wars of Jehovah. By Thomas Hawkins, Esq., with eleven highly finished engravings by John Martin, Esq., K.L. Francis Baisler, 124 Oxford street.

The Star of Atteghei, and other Poems. By Francis Brown. Edward Moxon, Dover street.

Poems. By James Hedderwick. Andrew Rutherglen, Glasgow.

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RELIGION.

The Works of the Rev. Wm. Jay, collected and revised by himself. Vol. IX, containing Sermons.

A Commentary on the 7th Chapter of Daniel. By Elizabeth. Sherwood and Bowyer, Strand.

The British Churchman. Part IX. Smith, Elder, and Co., Cornhill.

Lives of the English Saints. No. VI, VII, and VIII. James Toovey, Piccadilly.

Lachrymæ Ecclesiæ. By the Rev. G. Wyatt, LL.B. W. J. Cleaver, Baker street, Portman square.

New Edition of Conyer's Middleton, D.D., on the Primitive Fathers. J. and W. Boone, 29 New Bond street.

VOYAGES AND TRAVELS.

EŌTHEN; OR, TRACES OF TRAVEL BROUGHT HOME FROM THE EAST. John Ollivier, 59 Pallmall.

A BOOK of travels by a writer of keen observation, possessing great powers of natural humour. We have rarely met with a work of the kind blending, so successively, curious and instructive information with light and amusing reading.

*** *We have been obliged to postpone, from want of space, the Article announced for this Number upon 'Shakspere's Editors and Commentators.'*

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INDEX

TO THE

FORTY-SECOND VOLUME OF THE WESTMINSTER REVIEW.

Nos. LXXXII, LXXXIII, SEPTEMBER—DECEMBER, 1844.

A.

Abyssinia and Kordofan, travels in, 407; elevated table land of Abyssinia, and suitableness of the climate to European constitutions, 408; Mr Johnston detained at Tarrel by the king of Shoa, 411; messengers from the mission sent to rescue him, also imprisoned, *ib.*; finally released and arrives at the king's court, 412; failure of the mission denied by Major Harris, *ib.*; asserted by Mr Johnstone, 413; refutation of some of Major Harris's statements, *ib.*; the manner in which Mr Johnstone's public services were rewarded, 414; journey of Ignatius Pallma to Kordofan, 415; its unhealthy climate, *ib.*; prosperous state of the country from 1784 to 1821, 417; Kordofan then annexed to Egypt by Mahomet Ali: his son-in-law appointed governor, *ib.*; disgusting cruelties of, 418; deposition and death of the tyrant, 421; description of a slave hunt, 422; native African's notion of justice, 426.

Agricultural chemistry, elements of, by Sir Humphrey Davy, 510.

Architecture, the Ecclesiastical Architecture of Italy, from the time of Constantine to the fifteenth century, with an introduction and text, by Henry Gally Knight, Esq., F.R.S. and F.S.A., vol. ii, 511.

Arnold, Dr, Life of, 363; unsettled state of mind on religious subjects during his early years, *ib.*; his liberality to others on questions of doctrinal doubt, 364; elected head master of Rugby school in 1827, 366; the purification of the church one of Dr Arnold's most engrossing subjects, *ib.*; his peculiar views on the union between church and state, 368; opinion of Dr Arnold on the Athanasian creed, 374; on the subject of subscription to articles, 375; on the proper observance of the Sabbath, and on Sunday travelling, 376; strong sympathy felt by Dr Arnold for the people, 377; opinions on the general principles of politics, 379; *earnestness*, the predominant characteristic of Dr Arnold's mind, 380.

Aristocracies, influence of, 392; fallacy of Mr Macintyre's position, that "food is power," *ib.*; Mr Macintyre's statement on the questions of taxation and monopoly, 396; increase of the aristocratic power in this country attributed to the personal character and circumstances of the two first Georges, *ib.*; cost to Great Britain of the twenty-three years' war, 398; corn law passed at the termination of the war, *ib.*; cause of the indifferent opinion entertained of the Scotch character about the middle of the last century, 399; property of the legislating classes greatly increased since the country has attained its present height of manufacturing and commercial greatness, 400; taxation made an instrument of profit to the landed oligarchy, by throwing the burden on the poorest classes, 401; amount of taxation borne by the opulent landholder, 407.

Atmospheric traction, scientific principles of, 73.

B.

Barrett's (Miss) Poems, 381; the 'Drama of Exile,' the least successful of her efforts, 382; sympathy and philanthropy shown in their most powerful forms of expression in the 'Cry of the Children,' 383; sympathy for a humbler object in the poem to 'Flush, my dog, 384;' sonnets, examples of, 387;

Digitized by Google

defects of her poems, 390; the 'Vision of the Poets,' a poem full of noble thoughts, 391.
Beaumarchais and Sophie Arnould, 146; Encyclopédie du Dix Neuvième Siècle, excellence of some of its articles, 147; Jules Janin's life of Beaumarchais, extract from, 148—154; deficiencies in the biography, 155; Janin's memoir of Sophie Arnould, extract from, 156.
Biography, 252—514.
Biographical Dictionary of the Society for the Diffusion of Useful Knowledge, vol. iii, part 2.
Bishop of London, 160.

C.

China, a history of, from the earliest records to the treaty with Great Britain in 1842, 514.
Collision of ships, rules of the sea, 117; collision of vessels at sea, principal cause of shipwreck, *ib.*; Trinity rules required to be observed by sailing vessels at sea, 118; for navigation of steam boats, 120; ambiguity of, 121; decisions of the Admiralty court on the rules to be observed, 122; cases in which convergent courses on opposite tacks are allowable, 125; simplicity of rules affecting steam vessels, 128; conflicting opinions of competent men, 129; necessity, in consequence of, that the Trinity Board should give an authoritative exposition of all rules applying to sailing vessels, *ib.*; no law to compel the use of signal lights, 130; duties of the ship master, 131; explanation of sea phrases from the 'Seaman's Manual,' 133.
Coningsby, 80; a clever novel, important from its political interest, 81; sketch of a borough election, *ib.*; extract from De Custine's 'Russia,' on the evils of representative constitutions, 85; Mr D'Israeli's prophecy of the downfal of parliament, 86; illogical conclusions upon the principle of representation, 88; his radical opinions of the aristocracy, 91; result, stated to have arisen from Whig patronage of Dissenters, ascribed to a wrong cause, 95; character of Lord John Russell, 96; of the Duke of Wellington, 97; present state of parties, 98; fallacy of the new philosophy, 100; ostentatious charity, effective tableau of, 102; unscriptural character of, 103; Mr D'Israeli's defence of the Hebrew race, 104
Comedy, the Prize, and the Prize Committee, 105; 'Quid pro Quo' not a comedy of merit, 106; false as a picture of English manners, 108; specimen of the puns and jokes, 109; judged worthy of the prize by the committee on account of its conventional excellence, 111; the test of acting can alone decide the merit of a play, as adapted to the stage, 112; false ideas of comedy entertained by different classes of men, 113; experience of the past and knowledge of an audience must, as general conclusions, guide managers in their judgment, 115.
Commercial Statistics, Macgregor's, 437; impolicy of restriction, strikingly shown by Mr Macgregor in the case of Austria, 443; contraband trade called into existence by restriction, 444; a new commercial treaty concluded with England by Austria in 1838, 445; ruinous effects of a system of trading exclusion, exemplified by the present state of Spain, 447; inability of the Spanish government to put down the evil of smuggling, 448; present state of manufacturing industry in Spain, *ib.*; disadvantage French agriculture has to struggle against from its monopoly of the iron interest, 449; present state of manufacturing industry in France, and the spirit of its commercial legislation, 450; contraband trade in France carried on to an immense extent, 453; the German Zollverein, description of, 453.
Currency, the, 253; 'Journal des Economists,' No. 33, *ib.*

E.

Education, 254; School Books, by the Scottish School-Book Association, 516; a series of Catechisms for the use of schools, by the Rev. J. Wilson, 518; a Dictionary of the English Language, by Alexander Reid, A.M., *ib.*; the Alphabet, Terentian Metres, and other philological papers, by J. Hewitt Key, M.A. F.R.S., 519; the Medals of Creation, or First Lessons in Geology and in the study of Organic Remains, by G. A. Algernon Mantell, LL.D. F.R.S., *ib.*
Eldon, Lord, life of, 456; interesting and instructive character of the history of a successful English lawyer, *ib.*; Lord Eldon an admirable picture of the

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lawyer of the last age, 457; his pedigree, 458; received his early education at the Newcastle grammar school, 459; eloped with and married Miss Surtees in 1772, 460; gave up his fellowship, and entered as a student of the Middle Temple in 1773, 462; called to the bar in 1776, 463; solely dependent for his eventual success on his own perseverance, 464; appointed king's counsel in 1783, 465; anecdote, illustrating the character of Mr Scott, connected with the acquisition of his silk gown, *ib.*; elected member for Weobly in 1783, 466; appointed solicitor-general and knighted in 1788, 467; Sir John Scott called upon to act as chief legal adviser to Mr Pitt in the war waged against the French, 470; trials for high treason against Hardy and Horne Tooke undertaken by Sir John Scott, *ib.*; principles on which the Constitution Society was established, 473; the London Corresponding Society instituted in 1792, 475; most prominent leaders arrested on a charge of high treason and thrown into prison, 476; acquittal of Hardy, 477; Sir John Scott assists Mr Pitt in framing new laws to prevent the people assembling together for public discussion, 478; succeeds Sir James Eyre as chief justice of the Common Pleas in 1799, 480; created a peer, 481; resignation of Mr Pitt as prime minister, Mr Addington appointed to the office, under whom Lord Eldon accepts the chancellorship, 483; Mr Pitt reinstated in office, he and the chancellor maintain great power over the king, 484; conduct of the chancellor towards the Princess of Wales, *ib.*; the administration broken up by the death of Mr Pitt, Lord Eldon resigns, 485; unbounded influence exercised by, over the king, 486; Prince of Wales appointed regent in consequence of the king's incapacity to manage public affairs, *ib.*; Lord Eldon treated by the regent with marked deference and respect, 487; the war against Napoleon carried on to a successful termination may be considered Lord Eldon's work, *ib.*; severe distress and great popular discontent consequent on the sudden termination of the war, 488; determined resistance of Lord Eldon to parliamentary reform, *ib.*; close of his political career, 489.

F.

Fiction, 255; the Story of a Feather, by Douglas Jerrold, *ib.*

Fine Arts, 520; Bunyan's Pilgrim's Progress, illustrated by H. C. Selous, Esq., *ib.*; Criticism on Art, by William Hazlitt, 521.

H.

History, 255, 521.

L.

Legislation of 1844, 318; obscure style of English statute law, *ib.*; illustration of, 319; defects of statute law arise in a great measure from its magnitude, 320; laws in reference to merchant seamen, 322; act for registering and regulating joint-stock companies, 324; public acts of 7th and 8th Victoria, 325; classification of the preceding one hundred and thirteen public acts of the 7th and 8th Vict. 1843-4, 352; private acts, list of, 354; local and personal, *ib.*; private acts not printed, 362.

London, Charles James, Bishop of, 161; important functions connected with the office of, 162; Dr Blomfield, Bishop of London, character of, 164; ideas of his own office, 166; his views of its preternatural dignity and authority increased of late years, 168; extract from the 'Charge to the Clergy of the Diocese of London,' 171; extracts from Lent sermons and debate on church discipline bill, contradictory opinions in, 172—174; zeal for church reform not so active in the early part of Dr Blomfield's episcopate as later, 176; became a member of the church commission in 1835, and then a zealous church reformer, 178; means proposed for raising a church building fund, 179; facetiously commented upon by the Rev. Sydney Smith, 180; a tax on coals in aid of the fund proposed by the bishop, 181; his conduct in the matter of the weavers' churches bill of 1840, 182; arbitrary love of power shown by the bills introduced into parliament in 1836 by the ecclesiastical commission, 184; relation in which the parochial clergy of the Church of England stand to their bishop, 185; hostility of the bishop towards Dissenters and Catholics, 186; opposition to the clergy reserves bill of the legislature of Upper Canada, 189; conduct of Dr Blomfield on the

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education question in 1839, 191; resolution moved by the bishop at a meeting of the opponents of the government plan, 193; contradictory opinion expressed a fortnight later, 196; extract from speech on the negro apprenticeship system, 202; ditto on the law of marriage, 203; ditto on Irish education, 204; specimen of the bishop's logical elasticity on the subject of the Athanasian creed, 206; inscrutable politics of the bishop, 209; contradictory character of two coronation sermons, 211; extract from, on the duties and difficulties of sovereigns, 213; analogy between the character of Sir Robert Peel and Bishop Blomfield, 216; dissimilar in kindly feeling and sympathy in the pleasures and recreations of the people, *ib.*; opinions of the bishop on, 217; episcopal charge of 1842, 222; impression of the bishop's character after a review of his ecclesiastical and parliamentary life, 224.

M.

Mazzini, 231.

Miscellaneous, 255; Lady Willoughby's Diary, a portion of, 256; Germany, the literature of, from its earliest period to the present time, historically developed by F. L. Thimm, 259; Mythology, a scientific system of introduction to, by K. O. Müller, 260; the Castle and Priory at Castleacre, in the county of Norfolk, historical and antiquarian notices of, *ib.*; Mr Macgregor's Fourteenth Report to her Majesty's Council for Trade, remarks on, 262; the Banker's Almanac and Directory for 1845, 522; the Complete Suffrage Almanack and Reformer's Manual for 1845, 523; the Log Cabin, or the World before you, *ib.*; the Claims of Labour, *ib.*; Letter-opening at the Post office, 525.

Music: The Better Land, by John Abel, 263; Cathedral Chants of the sixteenth, seventeenth, and eighteenth centuries, 526.

P.

Post-office espionage, 225; moral creed of English statesmen in the nineteenth century, 230; paragraph in the report relating to Mazzini and his brother exiles, 235; appointment of a secret committee, 236; its extraordinary and unjustifiable proceedings, 237; conduct of Lord Aberdeen towards the Italian exiles, 239; extract from a letter published in the 'Morning Chronicle' (note), 241; circumstances which first led Mazzini to suspect his correspondence had been tampered with, 242; personal history of Mazzini, 243; letter of Mr Carlyle to the editor of the 'Times' (note), 246; letter of M. Carnot, ministre de l'Intérieur during the hundred days, on the subject of post-office espionage, 250.

Postscript, 491; approaching termination or renewal of the income tax, 492; income tax sometimes called the property tax; but the terms not synonymous; unjust operation of the tax as affecting precarious sources of income, *ib.*; property tax unobjectionable, 493; tables of the revenue derived from the property tax, 495; ditto the income tax, 496; mischievous nature of the window duties, 497; history of the interviews with Mr Goulburn in May, 1844, on the subject (note), 498; deficiency of light as injurious to the health of animals as to plants, 504; intention of the act introduced by Lord Althorp, when Chancellor of the Exchequer, evaded for the sake of revenue, 505.

Pamphlets, 263, 527; Plan for adopting the machinery of the Public Funds to the Transfer of Real Property, outlines of, by Robert Wilson, *ib.*; Philosophy and Science, 528; Vestiges of the Natural History of Creation, *ib.*; on the Regulation of Currencies by John Fullarton, *ib.*

Poetry and the Drama, 264, 528; Illustrations of the Tragedies of Æschylus and Sophocles from the Greek, Latin, and English poets, by F. T. Boyes, M. A., 265; Griselda, a dramatic poem, translated from the German of Frederick Halen, by Q. E. D., 266; the New Spirit of the Age, by R. H. Horne, second edition, 267.

R.

Railway administration and improvement, 1; the public hitherto unprotected against the monopolizing spirit of the railway projectors and speculators, 2; competition practicable without competing lines, 8; plan, 9; average yearly receipts and expenses for four years of the Birmingham railway, 10; necessity of diminishing the amount of resistance in railway carriages considered, 11; surplus resistance, cause of, 12; de-

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fects in wheel arrangement, 13; imperfect character of springs in use on common railways, *ib.*; the wheel itself destroyed in consequence of defective construction, 15; advantage of conical tyres, 16; advantages of buffer springs in cases of collision, 17; circumstances in which collisions take place, 18; defects in the practical arrangements of buffer springs, *ib.*; importance of having well-made carriages, 19; diagram of one on an improved plan, 20; description of, 21; summary of the defects in the mechanical arrangements of locomotives, 25: comparative advantages of steam locomotives or stationary engines, acting through the agency of an exhausting air-tube for railways, 27; advantages in favour of the atmospheric principle, 30; drawbacks to the perfection of the system, 31; desirability of a graduated scale of rewards to induce individuals to make improvements, 32--41; opinion of Mr Baxendale on the necessity of a board of control, 43; low fares more profitable than high, example of, 48; 8 per cent. sufficient for the capital expended, 49; case of the public and the railway owners illustrated by an imaginary dialogue between a director and the board of trade, 51; practicability of forming in the metropolis a common centre for all the great leading lines, 65; note on the scientific questions involved in late discussions upon the principle of atmospheric traction, 73.

Religion, 268 and 529; lectures on certain high church principles, commonly designated by the term Puseyism, by Thomas Madge, 268; religion and politics, or ought religious men to be political? by the Rev. Thomas Spencer, M.A., 272.

S.

Stanley (Lord), 275; his first essay in statesmanship as Secretary for Ireland in 1830, 277; how exercised, 278; opinion of Lord Stanley on governing Ireland by "new powers," 281; extract from the suppression of disturbances bill, 283; baneful tendency of his Irish administration, *ib.*; strikes out the 147th clause of the church temporalities bill; liberal views expressed on the principles that should govern legislation for Ireland, 287; opposite views, *ib.*; national education plan, excellence of, 291; registration bill, 292, 293; Lord Stanley, as secretary for the colonies, administration of, 294; distinctive features of Lord Stanley's measure of negro emancipation, 298; his hostility to the New Zealand company, 302; opinions and character of Lord Stanley as a public man, 310.

Suez, railroad to, 428; opposition of foreign powers to the plan, 429; canal project supported by the French press, 431; difficulties of clearly explained in Mr Galloway's pamphlet, 432; plan and section of proposed line, 436.

T.

Tithe and Rent Charges, 134; report of the ecclesiastical commissioners on the revenues of the church, about the year 1835, 136; unjust disparity of the incomes received by the clergy as shown by the report, 138; injudicious interference of the tithe act with commutations which ought to have been permanently fixed, 139; proposals for the amendment of the act, 146.

V.

Voyages and Travels, 273; the Library of Travel; being a popular description of foreign countries, edited by W. K. Kelly; parts 1, 2, 3: Syria and the Holy Land, *ib.*; the Modern Syrians, or native society in Damascus, Aleppo, and the mountains of the Druses, 274; Eothen; or Traces of Travel brought home from the East, 529.

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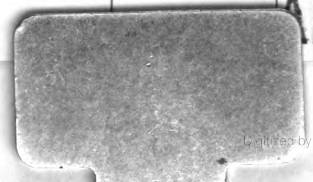

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